



# भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

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PART II — Section 2

प्राधिकार से प्रकाशित

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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।  
Separate paging is given to this Part in order that it may be filed as a separate compilation.

## LOK SABHA

The following Bills were introduced in Lok Sabha on 4th December, 2015.

BILL NO. 161 OF 2015

*A Bill to provide for the establishment of a permanent Bench of the Supreme Court of India at Jabalpur.*

BE it enacted by Parliament in the Sixty-sixth Year of the Republic of India as follows:—

1. This Act may be called the Supreme Court of India (Establishment of a Permanent Bench at Jabalpur) Act, 2015. Short title.

2. There shall be established a permanent Bench of the Supreme Court of India at Jabalpur and such number of Judges of the Supreme Court, being not less than nine in number, as the Chief Justice of India may from time to time nominate, shall sit at Jabalpur in order to exercise the jurisdiction and power for the time being vested in the Supreme Court in respect of cases arising in the State of Madhya Pradesh and such other territories as may be notified by the Central Government with the approval of the Chief Justice of India from time to time. Establishment of a Permanent Bench of Supreme Court at Jabalpur.

## STATEMENT OF OBJECTS AND REASONS

Article 130 of the Constitution provides that the Supreme Court shall sit in Delhi or in such other place or places, as the Chief Justice of India, may, with the approval of the President, from time to time, appoint. It is proposed that a permanent Bench of the Supreme Court with not less than nine Judges be established at Jabalpur in the State of Madhya Pradesh. The city of Jabalpur is centrally located in the heart of India. Considering the increasing pendency of cases before the Supreme Court as well as the distance of New Delhi from southern and eastern parts of India, establishment of a permanent Bench in central India would not only reduce the burden of cases before the Supreme Court but also reduce the cost of litigation. The ultimate purpose of establishing any Court is to enable access to justice which has been recognized by the Supreme Court as a Fundamental Right. The establishment of a permanent Bench of the Supreme Court at Jabalpur would greatly ease the trouble of litigants living in Central, Eastern as well as Southern parts of India and would also decentralize the work of the Supreme Court.

The present Bill, therefore, seeks to establish a permanent Bench of the Supreme Court at Jabalpur with a view to:—

- (a) decentralize the work of the Supreme Court;
- (b) ensure speedy justice for backward and rural parts of India;
- (c) reduce cost of litigation; and
- (d) reduce pendency of cases before the Supreme Court.

Hence this Bill.

NEW DELHI;  
March 16, 2015

RAKESH SINGH

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PRESIDENT'S RECOMMENDATION UNDER ARTICLES 117(1) AND 117(3)  
OF THE CONSTITUTION

[Copy of Letter No. K-15019/5/2015-US. 1 dated 1 July, 2015 from Shri D.V. Sadananda Gowda, Minister of Law and Justice to the Secretary General, Lok Sabha].

The President, having been informed of the subject matter of the Supreme Court (Establishment of a Permanent Bench at Jabalpur) Bill, 2015 by Shri Rakesh Singh, M.P., recommends the introduction of the Bill under article 117(1) and consideration under article 117(3) of the Constitution, in Lok Sabha.

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## FINANCIAL MEMORANDUM

Clause 2 of the Bill provides for the establishment of a permanent Bench of the Supreme Court of India at Jabalpur. The Bill, therefore, if enacted and brought into operation, would involve expenditure from the Consolidated Fund of India. It is not possible to estimate, at this stage, the exact amount of expenditure that will be involved.

However, a recurring expenditure of about rupees twenty five crore is likely to be involved per annum for the purpose of payment of allowance to the Judges of the Bench and payment of salaries to the Court servants.

A non-recurring expenditure of about rupees one hundred crore may be involved for the construction of building of the Court, etc. and appointment of staff members.

## BILL NO. 247 OF 2015

*A Bill to confer special category status to the State of Telangana, provide for special financial assistance to the State for the purposes of promoting the welfare of the Scheduled Castes, the Scheduled Tribes and the Other Backward Sections of citizens, development of backward districts and exploitation and proper utilization of its resources and for matters connected therewith.*

BE it enacted by Parliament in the Sixty-sixth Year of the Republic of India as follows:—

Short title  
and  
commencement.

**1.** (1) This Act may be called the State of Telangana (Special Category Status and Financial Assistance) Act, 2015.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

**2.** (1) On and from the date of commencement of this Act, the State of Telangana shall have the status of a Special Category State.

Special  
Category  
Status to the  
State of  
Telangana.

(2) The Special Category Status to the State of Telangana shall entitle the State with such benefits as the Central Government may, by notification in the Official Gazette, specify.

(3) Without prejudice to the generality of the foregoing provision, the State of Telangana shall be entitled to the following benefits:—

(a) special Central financial assistance through grants or loans on the basis of 90:10 ratio with 90 per cent. to be contributed by the Central Government and 10 per cent. to be contributed by the State Government;

(b) such fiscal incentives and concessions in excise and custom duties, income tax rates and corporate tax rates, as may be deemed necessary, to promote industrialization and economic growth; and

(c) allocation of adequate funds for specific development projects.

**3.** There shall be paid such sums of money out of the Consolidated Fund of India, every year, as Parliament may by due appropriation by law provide, as special financial assistance to the State of Telangana to meet the costs of such schemes of development, as may be undertaken by the State with the approval of the Union Government, for the purpose of—

Special  
financial  
assistance.

(i) promoting the welfare of the Scheduled Castes, the Scheduled Tribes, the minorities and the Other Backward Classes of citizens;

(ii) development and proper utilization of the resources in the State; and

(iii) development of backward areas including expansion of social and physical infrastructure.

**4.** Notwithstanding anything contained in any recommendations or guidelines of the Central Government fixing a limit on the net proceeds of borrowings by the State Governments, the Government of the State of Telangana may raise resources through borrowing upto 3.49 per cent. of its Gross State Domestic Product to eliminate revenue deficit.

Raising the  
ceiling on  
borrowings.

**5.** The provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force.

Act not in  
derogation of  
other laws.

## STATEMENT OF OBJECTS AND REASONS

The new State of Telangana breathed life on June 2, 2014 after more than half a century of struggle and owing to the results of a democratic movement that has been unrivalled in modern India. The historical injustice and exploitation faced by the region has compelled it to begin its existence in a highly backward condition. Nine out of ten districts of the State of Telangana were identified by the Centre as backward and were under the Backward Regions Grant Fund (BRGF). The Telangana region in the undivided Andhra Pradesh faced severe infrastructural and development deficits, incidents of drought, water and electricity shortages and suicide by farmers.

In order to address these challenges, financial assistance in various forms is required from the Centre, particularly under the Backward Regions Grant Fund, which has since been discontinued. With nine out of ten districts being officially designated as backward, the State of Telangana should be accorded a Special Category Status State.

Sub-sections (1) and (2) of section 94 of the Andhra Pradesh Reorganisation Act, 2014 provides that the Centre shall support both Andhra Pradesh and Telangana States in their development endeavour through various measures, including tax incentives. The special package which has been provided to the State of Andhra Pradesh should therefore be extended to the State of Telangana also. As conditions being faced by the people of the State of Telangana are similar to those being faced by the people in certain parts of Odisha, Madhya Pradesh and Uttar Pradesh, it becomes necessary that special plans like the Koraput-Bolangir-Kalahandi (KBK) special plan of Odisha and the Bundelkhand plan for Madhya Pradesh and Uttar Pradesh should also be implemented in the State of Telangana.

As all these efforts require increased amounts of expenditure, the Fiscal Responsibility Budget Management guidelines for raising resources through borrowings for the State of Telangana should be upto 3.49 per cent. of Gross State Domestic Product. Such a step of providing Financial assistance to the State of Telangana would go a long way in building a stronger nation.

Hence this Bill.

NEW DELHI;  
6th May, 2015

VINOD KUMAR BOIANAPALLI

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PRESIDENT'S RECOMMENDATION UNDER ARTICLES 117(1), 274(1) AND 117(3)  
OF THE CONSTITUTION

[Copy of letter No. 42(4) PF-I/2015 dated 23 July, 2015 from Shri Jayant Sinha, Minister of State in the Ministry of Finance to the Secretary General, Lok Sabha].

The President, having been informed of the subject matter of the State of Telangana (Special Category Status and Financial Assistance) Bill, 2015 by Shri Vinod Kumar Boianapalli, M.P., recommends introduction and consideration of the Bill in Lok Sabha under articles 117(1), 274(1) and 117(3), respectively, of the Constitution.

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## FINANCIAL MEMORANDUM

Clause 2 of the Bill provides for according Special Category Status to the State of Telangana. It further provides that the Central Government shall extend special financial assistance through grants, loans, fiscal incentives and concessions in excise and custom duties, income tax rates, corporate tax rates for industrialisation and economic growth and allocation of funds for specific development projects. Clause 3 provides that there shall be paid such sums of moneys out of the Consolidated Fund of India every year, as Parliament may by due appropriation by law provide, as special financial assistance to the State of Telangana to meet the costs of such schemes of development, as may be undertaken by the State with the approval of the Union Government.

The Bill, therefore, on enactment, will involve expenditure from the Consolidated Fund of India. As the sums of money which will be given to the State of Telangana as special financial assistance will be known only after the welfare schemes to be implemented by the State Government with the approval of Union Government are identified, it is not possible to give at this stage the estimates of recurring expenditure, which would be involved out of the Consolidated Fund of India.

No non-recurring expenditure is likely to be involved out of the Consolidated Fund of India.

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## BILL NO. 209 OF 2015

*A Bill to provide for protection from sexual exploitation and welfare of unwed tribal women.*

BE it enacted by Parliament in the Sixty-sixth Year of the Republic of India as follows:—

Short title and  
commencement.

**1.** (1) This Act may be called the Unwed Tribal Women (Protection and Welfare) Act, 2015.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.



<p><b>2.</b> In this Act, unless the context otherwise requires,—</p> <p>(i) "sexual relationship" includes sexual intimacy and sexual intercourse; and</p> <p>(ii) "tribal" means a Scheduled Tribes as defined under clause (25) of the article 366 of the Constitution of India.</p>	Definitions.
<p><b>3.</b> No person shall enter into a sexual relationship whether consensual or otherwise, with a tribal woman without lawfully marrying that woman.</p>	Prohibition on sexual relationship with a tribal woman without marriage.
<p><b>4.</b> Any person who violates the provisions of section 3 shall be punished with imprisonment for a term which shall not be less than three years and shall also be liable to pay to the tribal woman and child, if any, born out of such sexual relationship, a subsistence allowance at such rate, as may be determined by a Court of Law of appropriate jurisdiction:</p> <p>Provided that where more than one person enter into sexual relationship with a same tribal woman in contravention of the provisions of section 3, each such person shall be subject to punishment and payment of subsistence allowance as aforesaid.</p>	Punishment.
<p><b>5.</b> It shall be the responsibility of the officer-in-charge of a police station, where an offence under section 3 takes place, to ensure the recording of the complaint of the tribal woman.</p>	Responsibility of the officer-in-charge of the police station to register a complaint.
<p><b>6.</b> Where the officer-in-charge of a police station does not register the complaint of a tribal woman, he shall be held guilty of an offence of criminal negligence and shall also be subject to such departmental action, as may be prescribed by rules made under this Act.</p>	Penalty for not registering a complaint.
<p><b>7.</b> (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.</p> <p>(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.</p>	Power to make rules.

## STATEMENT OF OBJECTS AND REASONS

The Constitution (Scheduled Tribes) Orders list the names of certain tribes as Scheduled Tribes. The Constitution of India also makes special provisions in favour of persons belonging to these tribes to ensure their political representation in the legislative bodies and social and economic welfare. However, the women folk of these tribes, particularly tribal unwed mother's need special protection.

The scheduled tribes population is approximately 84.3 million, constituting 8.3 per cent. of the total population of the country. Out of this, males are 42.6 million and females are 41.7 million, accounting for 8.01 per cent. and 8.40 per cent., respectively, of the total population as per 2001 year Census. The disturbing de-tribalisation trends in tribal societies such as gender equality, lower fertility and mortality patterns seem to be gradually eroding, as they get more integrated into non-tribal society and their traditionally sustainable livelihoods are being encroached upon. The present socio-economic trends expose tribal women and girls to high risk of sexual exploitation by non-tribal persons. Social interaction and exchange controlled by dominant non-tribal social groups at workplace, residence and schools make tribal girls and women the most vulnerable object of undue sexual advancement and exploitation.

There are thousands of unwed mothers among the tribes in India. It is evident that attaining unwed motherhood as an identity dehumanizes and discredits individual victims. Thus, it is critical to examine the life of tribal unwed mothers from an increasingly detribalising structural context that imposes a wide range of structural disabilities upon the victims. It is thus essential to make a law for the protection and empowerment of tribal women in general and tribal unwed mothers in particulars.

NEW DELHI;  
*July 1, 2015.*

MULLAPPALLY RAMACHANDRAN

## MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 7 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

## BILL NO. 167 OF 2015

*A Bill further to amend the Constitution of India*

BE it enacted by Parliament in the Sixty-sixth Year of the Republic of India as follows:—

Short title.

**1.** This Act may be called the Constitution (Amendment) Act, 2015.

Amendment  
of article 58.

**2.** In article 58 of the Constitution, in clause (1), in sub-clause (a), for the word "citizen", the words "natural born citizen" shall be substituted.

Amendment  
of article 66.

**3.** In article 66 of the Constitution, in clause (3), in sub-clause (a), for the word "citizen", the words "natural born citizen" shall be substituted.

Amendment  
of article 75.

**4.** In article 75 of the Constitution, in clause (1), the following proviso shall be added at the end, namely:—

"Provided that no person shall be eligible to hold the office of the Prime Minister unless he is a natural born citizen of India."

## STATEMENT OF OBJECTS AND REASONS

The ongoing process of globalisation of the country's economy has enabled the global multinational corporations to establish a powerful presence in India. Some of these corporations have annual turnover which is almost one half of India's Gross National Product (GNP). Given the enormous role that money has come to play in the political life of the country, there will be temptations for these corporations to use the power of their money to influence political developments in India.

At the same time foreign print media has begun to make inroads into our country. Alongwith western electronic media, it has launched a cultural offensive with a view to influence the thinking of Indian people.

These developments are fraught with grave consequences for India's sovereignty. Sooner or later, these foreign economic and cultural interests can be expected to make efforts to influence India's decision makers to formulate policies which may not be in national interest.

India's citizenship laws enable foreign born persons to acquire Indian citizenship. The Constitution of India enables any Indian citizen to be the President, the Vice-President or the Prime Minister, unless he is otherwise debarred. In the changing global scenario, it will not be beyond the capacity of foreign interests to manipulate a situation to project a person who is not a natural born citizen of the country and whose patriotism may be in doubt.

The posts of the President, the Vice-President and the Prime Minister are not merely sensitive posts, they hold in their hands decision-making powers which can take the country to wars or make compromises on the nation's security. Any person whose patriotism is untested should not be trusted with the fate of one sixth of humanity. That is why, in the United States for instance, only a natural born citizen is eligible to be elected as the President.

This Bill seeks to amend the Constitution to make only natural born citizens of India eligible to be the President, the Vice-President and the Prime Minister.

Hence this Bill.

NEW DELHI;  
July 2, 2015.

BHOLA SINGH

## BILL NO. 189 OF 2015

*A Bill further to amend the Constitution of India.*

BE it enacted by Parliament in the Sixty-sixth year of the Republic of India as follows:—

Short title.

**1.** This Act may be called the Constitution (Amendment) Act, 2015.Insertion of  
new article  
275A.**2.** After article 275 of the Constitution, the following article shall be inserted,  
namely:—Grants from  
the Union to  
the State of  
Bihar.

“275A. Notwithstanding anything in article 275, there shall be paid out of the Consolidated Fund of India as grants-in-aid of the revenues of the State of Bihar such capital and recurring sums as may be necessary to enable the State to meet the costs of implementation of schemes for accelerated development of the State including development of infrastructure, generation of adequate employment opportunities and

for undertaking relief and rehabilitation measures in the flood and drought prone areas:

Provided that there shall be paid out of the Consolidated Fund of India a sum of rupees ninety thousand crore as one time grants-in-aid of the revenues of the State of Bihar and a sum of rupees thirty thousand crore every year to that State:

Provided further that such grants-in-aid shall be in addition to the annual allocation made by the Finance Commission to the State of Bihar and such other financial assistance as may be provided by the Government of India to that State:

Provided also that the grants-in-aid referred to in this article may be reviewed by the Government of India on the expiration of a period of five years from the commencement of this Act.”.

3. After article 371-J of the Constitution, the following article shall be inserted, namely:—

Insertion of new article 371K.

“371K. Notwithstanding anything in this Constitution, the President may by order made with respect to the State of Bihar, having regard to the requirements of the State as a whole for development, poverty alleviation, employment opportunities and other welfare measures for the people of the State, provide for:—

Special provision with respect to the State of Bihar.

(a) implementation of long term schemes for accelerated development of the State;

(b) an integrated scheme for flood control particularly in respect of rivers originating in the neighbouring countries;

(c) an integrated scheme for drinking water supply and irrigation in the drought prone areas of the state;

(d) long term schemes for the development of infrastructure such as roads, highways, electricity, industries, sanitation, healthcare and such other projects; and

(e) adequate facilities for technical education, vocational training, equitable opportunities for employment in services under the control of the Government and in private sector.”.

## STATEMENT OF OBJECTS AND REASONS

Bihar is strategically one of the most important States of the Indian Union, but unfortunately stricken with acute backwardness. Its underdevelopment and educational and social backwardness are mainly due to the consistent neglect by the Central Government and absence of good governance. Mother nature has also not been kind to this State, as half of the State is drought prone, while the other half is prone to floods. Bihar faces the fury of floods every year mainly from the rivers originating in the neighbouring country of Nepal. The State is inhabited by tribals, dalits and other socially and economically backward people and is facing numerous problems such as widespread unemployment and lack of industrial development due to very poor infrastructure. There has also been unprecedented rise in cases of various diseases mainly vector-borne diseases like malaria, filaria, kala azar, dengue, encephalitis, and other diseases like water-borne diseases, cancer, AIDS, heart ailments, etc. The road network of the State is in shambles and educational facilities are in a very poor shape particularly technical, medical and vocational education. Investment in the State, be it domestic investment or FDI, is dismal. There is no adequate infrastructure like power, irrigation, roads, railways, communication, etc., in the absence of which it is not possible to accelerate the growth and development of the State at the desired levels.

In the year 2008, the flood waters of the river Kosi originating in Nepal devastated a major part of the State as it breached its embankments displacing millions of people. Most of these displaced people are yet to be rehabilitated. Though the State Government is doing its level best to rehabilitate these displaced people and also to bring about overall development of the State, but this is not possible without the active support of the Centre as the State will require huge Central assistance. Therefore, rupees ninety thousand crore as grants-in-aid and additional rupees thirty thousand crore annually needs to be allocated to the State of Bihar for its overall development.

For this purpose new provisions are to be inserted in the Constitution to enable the Centre to release the required funds to the State.

Hence this Bill.

NEW DELHI;  
July 2, 2015.

BHOLA SINGH



## FINANCIAL MEMORANDUM

Clause 2 of the Bill provides for grant-in-aid of the revenues of the State of Bihar for development activities. It also provides for one time grant-in-aid to the tune of rupees ninety thousand crore and rupees thirty thousand crore as recurring annual expenditure. Clause 3 provides for special provisions for the development of the State of Bihar. The Bill, therefore, if enacted, will involve a recurring expenditure of rupees thirty thousand crore per annum from the Consolidated Fund of India.

A non-recurring expenditure of rupees ninety thousand crore is also likely to be involved.

## BILL NO. 183 OF 2015

*A Bill further to amend the Constitution of India.*

BE it enacted by Parliament in the Sixty-sixth Year of the Republic of India as follows:—

Short title.

**1.** This Act may be called the Constitution (Amendment) Act, 2015.

Insertion of  
new article  
31.

**2.** After article 30 of the Constitution, the following article shall be inserted,  
namely:—

"31. Every citizen who lives below poverty line shall have the right to—

- (i) adequate health care;
- (ii) shelter;
- (iii) education upto the level of graduation;
- (iv) guaranteed employment; and
- (v) essential items of daily use at concessional rates.

Basic facilities  
to citizens  
living below  
poverty line.

*Explanation.*—For the purposes of this article,—

(i) "person living below poverty line" means such person whose monthly income from all sources is such as may be determined by the Union from time to time after taking into consideration all relevant factors as it may deem fit:

Provided that different criterion may be fixed for different classes of persons in various States and Union territories.

(ii) "guaranteed employment" means employment for a minimum period of two hundred and forty days in a year;

(iii) "essential items of daily use" includes fuel, items of groceries, vegetables, milk and other edible items necessary for a decent living."

## STATEMENT OF OBJECTS AND REASONS

In our country a huge number of people are living below poverty line. Despite several measures to improve their lot, their standard of living has not shown any significant improvement. The people living below poverty line live in slums under miserable and unhygienic conditions. For want of adequate health care, many of them die in their early ages. They mostly remain illiterate. It is the duty of the Government to take care of the those sections of the society. The people living below poverty line should be given some basic facilities in order to enable them to lead a reasonably decent life. Therefore, it is proposed to amend the Constitution with a view to making it mandatory on the part of the State to provide certain facilities to persons living below poverty line.

Hence this Bill.

NEW DELHI;  
*July 2, 2015.*

BHOLA SINGH

## FINANCIAL MEMORANDUM

Clause 2 of the Bill provides for certain facilities like education, health care, shelter and employment, etc. to people living below poverty line. The Bill, therefore, if enacted would involve expenditure from the Consolidated Fund of India. It is likely that an annual recurring expenditure of about rupees five hundred crore will be involved.

A non-recurring expenditure to the tune of rupees one thousand crore is also likely to be involved.

## BILL NO. 199 OF 2015

*A Bill further to amend the Air (Prevention and Control of Pollution) Act, 1981*

BE it enacted by Parliament in the Sixty-sixth Year of the Republic of India as follows:—

Short title,  
extent and  
commencement.

**1.** (1) This Act may be called the Air (Prevention and Control of Pollution) Amendment Act, 2015.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

14 of 1981

2. After section 17 of the Air (Prevention and Control of Pollution) Act, 1981, the following section shall be inserted, namely:—

Insertion of new section 17A.

"17A. (1) Notwithstanding anything contained in clause (g) of sub-section (1) of section 17, the standard of emission for four-wheeler automobiles with regard to composition of emission of air pollutant into atmosphere shall be same throughout the country.

Standard of emission norms in respect of four wheelers and other automobiles.

(2) For the purposes of sub-section (1), the State Board shall, in consultation with the Central Board, notify adoption of—

(i) Bharat IV emission norms by 31st December, 2015 in areas where such norms are not in force on the date of commencement of this Act;

(ii) Bharat V emission norms by 31st January, 2017 in areas where Bharat IV emission norms are in force on the date of commencement of this Act; and

(iii) Bharat IV emission norms for new heavy duty trucks by 31st December, 2015 in areas where such norms are not in force.

(3) The State Board shall, in consultation with the Central Board, notify adoption of Bharat V emission norms by 31st January, 2017 in their application to two wheeler and three wheeler automobiles.

(4) Notwithstanding anything contained in other law for the time being in force, the State Government shall have all the powers to give effect to the provisions of this section."

## STATEMENT OF OBJECTS AND REASONS

The Indian Constitution is amongst a select few in the world that contains specific provisions on protection of environment. The provisions of the Constitution highlight national consensus on the importance of environmental protection and improvement besides laying the foundation of jurisprudence of environmental protection. The Supreme Court has impliedly treated the right to live in a pollution free environment as a part of Fundamental Right to Life under article 21 of the Constitution.

Despite the recognition of importance of a pollution-free and clean environment in our Constitution by the founding fathers of an independent India, the reality remains grim at the moment. India's high air pollution is ranked by World Health Organization (WHO) among the worst in the world. As per recent study, approximately half of India's population (660 million people) lives in areas where air pollution is not considered safe for healthy habitation, and this excess pollution alone reduces life expectancy by 3.2 years (on average). Technically speaking, 2.1 billion years that India loses due to high air pollution can be put to use for nation's best interests. Out of 1,622 cities surveyed by WHO last year for suspended particulate matter (especially for particulate matter 2.5, which stands for Particulate Matter—2.5 micrometers or less in size), India was home to 13 of the top 20 cities with most polluted air, with the capital city Delhi topping the charts by registering levels that are 15 times of levels considered 'safe' by WHO. The human cost is soaring cases of asthma, respiratory diseases, heart attacks, strokes and even cancer. Indoor and outdoor air pollution is estimated to claim 1.6 million lives a year. Besides loss of national time, precious lives and increased risks of health hazards, air pollution has also led to loss in crop yields, which poses threat to agricultural produce particularly wheat and rice and the status of India being a major rice exporter.

As India moves ahead on its growth path and prosperity, and if *status quo* is maintained with regard to fuel mix for automobiles, air pollution shall continue to increase, exacting toll from public health, crop yields, rainfall patterns and climatic change. Developed countries have also faced the same problem at the time of industrialization, but have cleaned up their environment since then. India also needs to act fast to stem the growth of air pollution.

Though multiple options are present to take a positive step, it is important to focus on the main reasons. Revision of emission norms by vehicular traffic including heavy duty trucks is one such step that can be acted upon to make a positive impact. As on date, Bharat Stage IV emission norms are followed in National Capital Region (NCR) and 13 other cities, whereas the rest of the country follows Bharat Stage III emission norms. This discrepancy, besides running the risk of being construed as a violation of fundamental right to healthy life for all, presents a bigger risk of encouraging use of fuels with higher emissions (in rest of India), particularly heavy duty trucks which are the one of the largest emitters of PM 2.5 particles.

Hence this Bill.

NEW DELHI;  
July 2, 2015.

FEROZE VARUNGANDHI



## BILL NO. 214 OF 2015

*A Bill to amend the Disaster Management Act, 2005*

BE it enacted by Parliament in the Sixty-sixth Year of the Republic of India as follows :—

1. (1) This Act may be called the Disaster Management (Amendment) Act, 2015.

Short title and  
commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. In Section 4 of the Disaster Management Act, 2005 (hereinafter referred to as the principal Act), in sub-section (1), for the words "as and when necessary" the words "at least once every quarter or more often, as it deems necessary," shall be substituted.

Amendment  
of section 4.

Amendment of section 8.	<p><b>3.</b> In section 8 of the principal Act, after sub-section (2), the following sub-section shall be inserted, namely:—</p> <p>"(2A) The National Executive Committee shall meet at least once every quarter or more often, as it deems necessary."</p>
Amendment of section 15.	<p><b>4.</b> In section 15 of the principal Act, in sub-section (1), for the words "as and when necessary" the words "at least once every quarter or more often, as it deems necessary," shall be substituted.</p>
Substitution of new section for section 27.	<p><b>5.</b> For section 27 of the principal Act, the following section shall be substituted, namely:—</p>
Meetings.	<p>"27. The District Authority shall meet at least once every quarter or more often, as it deems necessary."</p>
Substitution of new section for section 43.	<p><b>6.</b> For section 43 of the principal Act, the following section shall be inserted, namely:—</p>
Officers and other employees of the National Institute.	<p>"43. (1) Subject to approval of the Central Government, the National Institute of Disaster Management may specify the number, nature and category of officers and employees required by it for carrying out its functions.</p> <p>(2) The salary and allowances payable to, alongwith the terms and conditions of service of, officers and employees shall be such as may be specified with the approval of the Central Government.</p> <p>(3) The National Institute of Disaster Management may, if deems necessary, appoint consultants on such terms and conditions, as it may deem fit."</p>
Amendment of section 46.	<p><b>7.</b> In section 46 of the principal Act, after sub-section (1), the following sub-section shall be substituted, namely:—</p> <p>"(IA). The Finance Commission shall, once in every five years, determine the corpus of the National Disaster Response Fund."</p>
Amendment of section 47.	<p><b>8.</b> In section 47 of the principal Act, after sub-section (2), the following sub-section shall be substituted, namely:—</p> <p>"(3) The guidelines for identification of projects and utilisation of National Disaster Mitigation Fund shall be prepared by the National Authority in consultation with the National Institute for Transforming India Aayog."</p>
Amendment of section 48.	<p><b>9.</b> In section 48 of the principal Act, after sub-section (1), the following sub-sections shall be inserted, namely:—</p> <p>"(IA) The Finance Commission shall, once in every five years, determine the corpus of the State Disaster Response Fund constituted under clause (a) of sub-section (1).</p> <p>(IB) The guidelines for identification of projects and utilisation of State Disaster Mitigation Fund, constituted under clause (c) of sub-section (1), shall be prepared by the State Authority in consultation with the National Institute for Transforming India Aayog and be subject to review and monitoring once every five years."</p>
Insertion of new sections 60A and 60B.	<p><b>10.</b> In the principal Act, in Chapter XI, under the heading 'Miscellaneous', before section 61, the following sections shall be inserted, namely:—</p>
Duties of community groups, youth organisations and voluntary agencies.	<p>"60A. A community group, youth organisation or a voluntary agency may—</p> <p>(a) assist the State Authority in all disaster management activities;</p>

(b) participate in capacity-building vulnerability reduction programmes and training activities;

(c) assist in relief operations under the supervision of the State Authority;

(d) assist in conducting damage assessment and in carrying out reconstruction and rehabilitation activities in accordance with the guidelines framed by the State Authority; and

(e) provide such assistance to the State Authority and take such other steps as may be necessary for disaster management.

60B. It shall be the duty of every citizen to assist the State Authority or a person entrusted with or engaged in disaster management, whenever his assistance is demanded for the purpose of disaster management particularly, but not limited to, for the purposes of prevention, response, warning, emergency operation, evacuation and recovery."

Duties of  
Citizens.

## STATEMENT OF OBJECTS AND REASONS

Disasters and Disaster Management generally get discussed in their aftermath followed by renewed interest in mitigation planning and disaster response in a responsible and effective manner. India is a disaster prone country plagued by various kinds of natural disasters, such as floods, drought, earthquakes, cyclones and landslides every year. Millions of people are affected every year and the economic losses caused by natural disasters amount to a major share of the Gross National Product (GNP). Every year, huge amount of resources are mobilized for rescue, relief and rehabilitation works following occurrence of natural disaster.

India has put in place a Disaster Management Act, 2005 in order to mitigate occurrence and impact of disaster alongside providing disaster response in a timely and effective manner. From an organization perspective, the Act envisages governing bodies at national, state and district levels and provides for such bodies to convene on "as needed" basis. This has resulted in the National Executive Council, a body consisting of Secretaries of various Ministries of the Government of India and responsible for formulating the National Plan, not meeting even once from May, 2008 to December, 2012, although the country had faced many natural disasters during the period. This was also mentioned in the Comptroller and Auditor General (CAG) report on Disaster Preparedness. The present Bill seeks to correct this anomaly by calling for a minimum number of meetings every quarter to ensure that action plans are formulated and implemented effectively.

The CAG report also comments adversely on the project management capability of the National Disaster Management Authority (NDMA), as no major project undertaken by NDMA has seen the light of the day due to deficient planning and lack of coordination with nodal ministries. It is, therefore, proposed in the Bill that the projects be taken up in consultation with NITI Aayog with the corpus of funds being determined by the Finance Commission and reviewed on a periodic basis. This step will ensure better planning and focus, reduce duplication of work being undertaken by nodal ministries and improve financial management.

The Bill also seeks to define the roles and responsibilities of various community groups, voluntary agencies, youth organizations and more so, citizens of the country, which is similar to existing provisions being followed in Gujarat, as these bodies/individuals play a major role in disaster response in the current context. Lastly, the Bill also provides for strengthening the National Institute of Disaster Management, a premier institute for training, capacity building and management of natural disasters, on pan-India basis.

The proposed amendments would make a positive contribution to the way we view, mitigate and respond to disasters, especially at a time when the country is reeling under the impact of frequent and unforeseen disasters.

NEW DELHI;  
July 2, 2015.

FEROZE VARUN GANDHI

## FINANCIAL MEMORANDUM

Clause 6 of the Bill provides that subject to approval of the Central Government, the National Institute of Disaster Management may specify the number, nature and category of officers and employees required by it for carrying out its functions. It further provides that the National Institute of Disaster Management may, if deems necessary, appoint consultants on such terms and conditions, as it may deem fit.

The Bill, therefore, if enacted will involve expenditure from the Consolidated Fund of India. It is estimated that a recurring expenditure of rupees one hundred crore would be incurred per annum.

A non-recurring expenditure of rupees one hundred crore is also likely to be incurred.

## BILL NO. 218 OF 2015

*A Bill further to amend the Constitution of India.*

BE it enacted by Parliament in the Sixty-sixth Year of the Republic of India as follows:—

Short title.

**1.** This Act may be called the Constitution (Amendment) Act, 2015.Substitution  
of new article  
for article  
340.**2.** For article 340 of the Constitution, the following article shall be substituted, namely:—National  
Commission  
for Other  
Backward  
Classes.

"340. (1) There shall be a Commission for the Other Backward Classes to be known as the National Commission for the Other Backward Classes.

(2) Subject to the provisions of any law made in this behalf by Parliament, the Commission shall consist of a Chairperson, Vice-Chairperson and three other Members and the conditions of service and tenure of office of the Chairperson, Vice-Chairperson and other Members so appointed shall be such as the President may by rule determine.

(3) The Chairperson, Vice-Chairperson and other Members of the Commission shall be appointed by the President by warrant under his hand and seal.

(4) The Commission shall have the power to regulate its own procedure.

(5) It shall be the duty of the Commission:—

(a) to investigate and monitor all matters relating to the safeguards provided for the Other Backward Classes under this Constitution or under any other law for the time being in force or under any order of the Government and to evaluate the working of such safeguards;

(b) to inquire into specific complaints with respect to the deprivation of rights and safeguards of the Other Backward Classes;

(c) to participate and advise on the planning process of socio-economic development of the Other Backward Classes and to evaluate the progress of their development under the Union and any State;

(d) to present to the President, annually and at such other times as the Commission may deem fit, reports upon the working of those safeguards;

(e) to make in such reports recommendations as to the measures that should be taken by the Union or any State for the effective implementation of those safeguards and other measures for the protection, welfare and socio-economic development of the Other Backward Classes; and

(f) to discharge such other functions in relation to the protection, welfare and development and advancement of the Other Backward Classes as the President may, subject to the provisions of any law made by Parliament, by rule specify.

(6) The President shall cause all such reports to be laid before each House of Parliament along with a memorandum explaining the action taken or proposed to be taken on the recommendations relating to the Union and the reasons for the non-acceptance, if any, of any of such recommendations.

(7) Where any such report, or any part thereof, relates to any matter with which any State Government is concerned, a copy of such report shall be forwarded to the Governor of the State who shall cause it to be laid before the Legislature of the State along with a memorandum explaining the action taken or proposed to be taken on the recommendations relating to the State and the reasons for the non-acceptance, if any, of any of such recommendations.

(8) The Commission shall, while investigating any matter referred to in sub-clause (a) or inquiring into any complaint referred to in sub-clause (b) of clause (5), have all the powers of a civil court trying a suit and in particular in respect of the following matters, namely:—

(a) summoning and enforcing the attendance of any person from any part of India and examining him on oath;

(b) requiring the discovery and production of any document;

(c) receiving evidence on affidavits;

(d) requisitioning any public record or copy thereof from any court or office;

- (e) issuing commissions for the examination of witnesses and documents;
- (f) any other matter which the President may, by rule, determine.

(9) The Union and every State Government shall consult the Commission on all major policy matters affecting Other Backward Classes."



## STATEMENT OF OBJECTS AND REASONS

There are ample schemes and special provisions for the welfare of the Other Backward Classes in the country. However, there has not been any paradigm shift in their socio-economic conditions. In such a situation, need is being felt for a better and strong institutional system to put an end to their exploitation and ensure their overall development. There are provisions for the National Commission for the Scheduled Castes and the National Commission for the Scheduled Tribes in the Constitution. Similarly, there is a need to constitute a National Commission for the Other Backward Classes on the lines of the Commissions for the Scheduled Castes and the Scheduled Tribes. Under article 338(10) of the Constitution, the National Commission for Scheduled Castes is empowered to address grievances not only of Scheduled Castes but also of Other Backward Classes. However, due to excess workload and inadequate staff, National Commission for Scheduled Castes is not in a position to cater to the work related to Other Backward Classes. The Parliamentary Committee on the Welfare of the Other Backward Classes in its first report (2012-2013) had also recommended for giving constitutional status to the National Commission for Other Backward Classes. Though, under article 340 of the Constitution, the President is empowered to appoint a Commission for the Other Backward Classes from time to time, but it is not effective to address the grievances of the Other Backward Classes.

The Bill, therefore, seeks to amend the Constitution with a view to provide constitutional status to the National Commission for Other Backward Classes.

Hence this Bill.

NEW DELHI;

RAJEEV SATAV

*July 3, 2015.*

## FINANCIAL MEMORANDUM

Clause 2 of the Bill provides for setting up of a National Commission for Other Backward Classes. It also provides for appointment of Chairperson, Vice-Chairperson and Members of the Commission. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. It is estimated that an annual recurring expenditure of about rupees five hundred crore will be involved.

A non-recurring expenditure of about rupees one thousand crore is also likely to be involved.

## BILL NO. 197 OF 2015

*A Bill further to amend the Sixth Schedule to the Constitution of India in its application to constitution of District Councils and powers of the District Councils and Regional Councils.*

BE it enacted by Parliament in the Sixty-sixth Year of the Republic of India as follow:—

**1.** This Act may be called the Sixth Schedule to the Constitution (Amendment) Act, 2015. Short title.

**2.** In the Sixth Schedule to the Constitution,—

(i) in paragraph 2, for the existing sub-paragraph (I), the following sub-paragraph shall be substituted, namely:—

Amendment  
of the Sixth  
Schedule.

"(I) There shall be a District Council for each autonomous district consisting of not more than forty members who shall be elected on the basis of adult suffrage.";

(ii) in paragraph 3, in sub-paragraph (I), after entry (j), the following entry shall be inserted, namely:—

"(k) traditional occupations of the tribals including occupations relating to mines and minerals."; and

(iii) in paragraph 4, after sub-paragraph (I), the following sub-paragraphs shall be inserted, namely:

"(IA) Notwithstanding anything in this Constitution, where a Regional Council or a District Council resolves that the customary practices and laws are to be protected, the Governor shall refer the matter to the Legislative Assembly of the State concerned.

"(IB) Where the Legislative Assembly of the State concerned agrees to the resolve of a Regional Council or a District Council, the Governor shall issue a specific order in this behalf."

## STATEMENT OF OBJECTS AND REASONS

Despite various provisions protecting the customary lives of the tribes under the Sixth Schedule, the Schedule had remained only on paper. Orders of various forums, which are squarely contrary to the Constitutional guarantees given to the tribes under the Sixth Schedule, are being thrust upon the tribals thereby leading to diminishing of the Constitutional safeguards and purpose of the Sixth Schedule.

It is, therefore, proposed to amend the Sixth Schedule to the Constitution, with a view to—

(i) increase the numbers of the members in the District Council from thirty to forty, as originally envisaged in the Constitution;

(ii) bring traditional occupations of tribals relating to mines and minerals under legislative competence of the District Council; and

(iii) protect customary practices and interests of tribals.

Hence this Bill.

NEW DELHI;  
July 6, 2015.

VINCENT H. PALA

## BILL NO. 177 OF 2015

*A Bill further to amend the Constitution of India.*

BE it enacted by Parliament in the Sixty-sixth Year of the Republic of India as follows:—

Short title.

**1.** This Act may be called the Constitution (Amendment) Act, 2015.Amendment  
of the Seventh  
Schedule.**2.** In the Seventh Schedule to the Constitution,—

(i) in List I-Union List, Entry 56 shall be omitted;

(ii) in List II-State List, entry 17 shall be omitted; and

(iii) in List III-Concurrent List, after entry 32, the following entry shall be inserted  
namely:—

"32A. Regulation and development of inter-State rivers and river valleys.

32B. Water, that is to say, water supplies, irrigation and canals, drainage and  
embankments, water storage and water power.".

## STATEMENT OF OBJECTS AND REASONS

Life is impossible without water. All living beings including human, animals and plants need water for their survival. Therefore, it is desirable that requisite amount of water is available without any hindrance for drinking and irrigation.

Around ninety-seven per cent. of the water on the Earth is salty water and only three per cent. is fresh water; slightly over two thirds of this fresh water is frozen in the form of glaciers and polar ice caps. The remaining unfrozen fresh water is found mainly as ground water.

Ground water is a renewable resource, yet the world's supply of ground water is steadily decreasing with the depletion of water table, most prominently in Asia and North America. It is still not clear that how much natural renewal balance of fresh water is available or whether ecosystem will be threatened for want of fresh water in near future. The framework for allocating water resources to water users where such a framework exists is known as water rights.

At present, water is a State subject and is considered as primary responsibility of the State Governments.

The Bill seeks to amend the Seventh Schedule to the Constitution with a view to transfer entry 56 of List-I Union List and entry 17 of List-II State List pertaining to 'Regulation and Development of Inter-State Rivers and River Valleys' and 'Water', respectively, to List-III Concurrent List so that the Central Government and the State Governments concerned can also play their due role for regulation and development of inter-State rivers and conservation and sustainable use of water to meet the growing needs of the society.

Hence this Bill.

NEW DELHI;  
July 7, 2015.

GAJENDRA SINGH SHEKHAWAT

## BILL NO. 205 OF 2015

*A Bill to provide for compulsory national disaster response training for all able-bodied gazetted officers of the Central Government and for matters connected therewith.*

BE it enacted by Parliament in the Sixty-sixth Year of the Republic of India as follows:—

Short title and  
commencement.

**1.** (1) This Act may be called the Gazetted Officers of the Central Government (Compulsory National Disaster Response Training) Act, 2015.

(2) It shall come into force on such date, as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

**2.** In this Act, unless the context otherwise requires, —

(a) "gazetted officer" means a Group 'A' or Group 'B' gazetted officer, below the age of forty-five years, of the Central Government and includes officers belonging to



All India Services but does not include officers of Indian Police Service, Central Armed Police Forces and Armed Forces; and

(b) "prescribed" means prescribed by rules made under the Act.

3. (1) The Central Government shall, within a period of five years from the date of selection or promotion, as the case may be, to a gazetted post provide national disaster response training to all able-bodied Gazetted Officers for a period of not less than three months.

Compulsory national disaster response training to Gazetted Officers of the Central Government.

(2) The national disaster response training referred to in sub-section (1) shall be imparted in such manner as may be prescribed.

(3) The Central Government shall establish such number of institutions and take such other necessary steps, as it may deem fit, to give effect to the provisions of sub-section (1).

4. Every gazetted officer who successfully completes training under sub-section (1) of section 3—

Awarding of certificate on completion of training.

(i) shall be awarded a certificate to that effect by the Central Government; and

(ii) may, in situations of the natural and civil emergencies, be deputed to assist the Armed Forces, police or disaster management personnel.

5. (1) The appropriate Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power to make rules.

(2) Every rule made under this Act by the Central Government shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

## STATEMENT OF OBJECTS AND REASONS

It is definitely a good idea to have a well trained civilian as well as a trained National Disaster Response Force. Compulsory national disaster response training to all able-bodied Gazetted Officers of the Central Government will make them more smart, fit, mature and motivated. Such a step will provide trained volunteers whose services can be utilized during civil or natural emergencies like earthquake, tsunami, cloudburst, hailstorm or floods in an efficient manner.

The Bill, therefore, seeks to provide for compulsory national disaster response training to all Gazetted Officers of the Central Government with a view to develop a more strong sense of loyalty, duty and self-discipline among them and prepare a trained manpower in reserve to meet any eventuality or natural calamity.

Hence this Bill.

NEW DELHI;  
*July 7, 2015.*

GAJENDRA SINGH SHEKHAWAT

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#### FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for national disaster response training to be imparted to all able-bodied gazetted officers of the Central Government. It further provides for setting up of training institutions for the purpose of imparting national disaster response training. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that a recurring expenditure of rupees five hundred crore will be incurred per annum.

A non-recurring expenditure of rupees one hundred crore is also likely to be involved.

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#### MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 5 of the Bill empowers the appropriate Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

## BILL NO. 231 OF 2015

*A Bill to prohibit the racial discrimination on the grounds of race, ethnicity, colour, ancestry or origin.*

BE it enacted by Parliament in the Sixty-sixth Year of the Republic of India as follows:—

Short title and  
commencement.

1. (1) This Act may be called the Prohibition of Racial Discrimination Act, 2015.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

**2.** Notwithstanding anything contained in any other law for the time being in force, whoever, for the reason that a person belongs to a race, ethnicity, origin or ancestry other than his.—

Acts that shall be deemed as offence of racial discrimination.

(i) by words, either spoken or written, or by signs teases or ill-treats that person;

(ii) intentionally insults, intimidates, humiliates or causes annoyance, hardship or physical or psychological harm or raises fear or apprehension thereof in the mind of that person;

(iii) compels that person to do any act which such a person in ordinary circumstances shall not do and which causes or generates a sense of shame or humiliation thereby adversely affecting psyche of that person;

(iv) prevents or disrupts or disturbs the regular or normal activities of that person;

(v) exploits the service of that person;

(vi) abuses or calls that person by racial slur or derogatory name or title;

(vii) extorts or forcibly deprives that person of his financial assets including cash;

(viii) indulges in any act of sexual abuse, homosexual assault, stripping, passing obscene or lewd comments or causing bodily harm or any such act as would pose danger to health or life of that person;

(ix) intentionally sends audio, video or audio-video clips through email, post or by any other means so as to cause discomfiture to that person; or

(x) indulges in any act of showing of power, authority or superiority with or without intent to derive sadistic pleasure, which affects the mental health and self confidence of that person,

shall be deemed to have committed the offence of racial discrimination under this Act.

**3.** Any person who commits the offence of the racial discrimination shall be punished with rigorous imprisonment for a term which may extend to five years and with fine which may extend to rupees ten lakh or with both.

Penalty.

**4.** (1) Every State Government and Union territory administrator shall designate an officer not below the rank of District Collector in every district to entertain complaints of offences of racial discrimination under this Act.

Designated officer to entertain complaints of racial discrimination.

(2) The designated officer shall,—

(a) on receipt of a complaint, forward it to the officer-in-charge of the police station concerned for registering the case of racial discrimination;

(b) maintain helpline numbers to extend immediate help to victims of racial discrimination; and

(c) take steps for rehabilitation of victims of racial discrimination, if required; and

(d) monitor the progress of cases of racial discrimination filed in the court.

**5.** The provision of this Act shall be in addition to, and not in derogation of any other law, for the time being in force, relating to matters provided in this Act.

Act not in derogation of any other law.

**6.** (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power to make rules.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which

may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

## STATEMENT OF OBJECTS AND REASONS

The Bill seeks to prohibit and bring to an end racial discrimination in public life by making racial discrimination an offence punishable with rigorous punishment.

The Government is yet to put in place a proper mechanism to deal with the cases of violence related to racial discrimination. A zero tolerance policy towards racial discrimination must be put forth by the Government. Sometimes, it has been observed that when persons from one region visit other parts of the country, they face racial discrimination on the ground of their race, ethnicity, look or language. Cases of racial discrimination, particularly with persons from north-eastern region, have been reported from different parts of the country and these persons have taken to streets in large numbers to highlight the cases of racial discrimination. The persons from southern part of the country also face such discrimination whenever they move to other parts of the country.

There have been cases of ragging in educational institutions reflecting racial discrimination which also need to be urgently addressed.

The Bill seeks to achieve the above objectives.

NEW DELHI;  
*July 8, 2015.*

MULLAPPALLY RAMACHANDRAN

## FINANCIAL MEMORANDUM

Clause 4 of the Bill provides that every State Government and Union territory Administrator shall designate an officer not below the rank of district collector who shall maintain helpline numbers, take steps for rehabilitation of victims and monitor the progress of cases filed in the court in respect of racial discrimination. The expenditure relating to the States shall be borne out of the Consolidated Funds of the respective States. However, the expenditure in respect of Union territories shall be borne out of the Consolidated Fund of India. The Bill, therefore, if enacted would involve expenditure from the Consolidated Fund of India. It is estimated that an annual recurring expenditure of rupees one hundred crore would be involved from the Consolidated Fund of India.

A non-recurring expenditure of rupees one hundred crore is also likely to be involved.

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## MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 6 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is, therefore, of a normal character.



## BILL NO. 250 OF 2015

*A Bill to provide for protection of identity to threatened witnesses in criminal cases involving serious offences, procedure and mechanism for such protection and for matters connected therewith or incidental thereto.*

BE it enacted by Parliament in the Sixty-sixth Year of the Republic of India as follows:—

## CHAPTER I

## PRELIMINARY

1. (1) This Act may be called the Witnesses (Protection of Identity) Act, 2015. Short title,  
(2) It extends to the whole of India except the State of Jammu and Kashmir. extent and  
(3) It shall come into force on such date as the Central Government may, by commencement.  
notification in the Official Gazette, appoint.

## Definitions.

2. (1) In this Act, unless the context otherwise requires,—

(a) "close relative" includes spouse, parents, grandparents, sons, daughters, grandchildren, brothers and sisters;

(b) "identity" in relation to a person includes name, sex, names of parents, occupation and address of such person;

(c) "judge" means the Presiding Judge of a Court of Session or the Judge of a Court of equivalent status or of a Special Court;

(d) "serious offence" means an offence which is described as triable by a Court of Session in the First Schedule to the Code of Criminal Procedure, 1973 and includes any offence which is required to be tried by a Court of Session or any other equivalent designated court or a special court, by law; 2 of 1974

(e) "threatened witness" means any witness, in respect of whom, there is likelihood of danger to the safety of his life or life of his close relatives or serious danger to his property or property of his close relatives, by reason of his being a witness;

(f) "victim" means any person who has suffered physical, mental, psychological or monetary harm or harm to his property as a result of the commission of any offence; and

(g) "witness" means any person who is acquainted with the facts and circumstances, or is in possession of any information or has knowledge, necessary for the purpose of investigation, inquiry or trial of any crime involving serious offence, and who is or may be required to give information or make a statement or produce any document during investigation, inquiry or trial of such case and includes a victim of such serious offence.

(2) Words and expressions used but not defined in this Act and defined in the Code of Criminal Procedure, 1973 shall have the meaning as assigned to them in that Code. 2 of 1974

## Application.

3. The provisions of this Act shall apply to—

(a) investigation, inquiry and trial of serious offences;

(b) victims of serious offences, the recording of whose statements at the trial in the Court of Session has not commenced; and

(c) threatened witnesses in relation to serious offences whose identity has not been revealed to the accused or whose statements have not been recorded during investigation or during inquiry before the Magistrate at the date of commencement of this Act.

## CHAPTER II

## WITNESS IDENTITY PROTECTION ORDER

## PART-I

## IDENTITY PROTECTION DURING INVESTIGATION

## Application for seeking Identity protection order.

4. (1) During the course of investigation of any serious offence, if the Investigating Officer is satisfied that for the purpose of effective investigation of the case, it is necessary to protect the identity of any threatened witness, he may, through the Public Prosecutor or the Assistant Public Prosecutor, as the case may be, apply in writing to the Judicial Magistrate of First Class or Metropolitan Magistrate, as the case may be, for seeking an identity protection order.

(2) In every application made under sub-section (1), the true identity of the threatened witness and such other particulars as may lead to the identification of the

threatened witness shall not be mentioned, and instead a pseudonym or a letter of English alphabet shall be mentioned to identify the threatened witness, but the true identity and other particulars shall be disclosed to the Magistrate.

(3) Every application under sub-section (1)—

(a) shall be accompanied by relevant material and documents which are evidence that the witness is a threatened witness and need a grant of identity protection order, and

(b) may be accompanied by a certificate of an officer of the rank of Superintendent of Police or above certifying that the witness is a threatened witness.

5. (1) The Magistrate shall, upon receipt of an application under section 4, hold a preliminary *ex parte* inquiry *in camera* to determine whether the witness is a threatened witness as claimed in the application and whether there is necessity to pass a protection order, and shall follow the procedure laid down in this section for such determination.

*Ex parte*  
preliminary  
inquiry by the  
Magistrate.

(2) The Magistrate may require the prosecution to place before him any material or document which has not been already submitted, and which he considers relevant for the disposal of the application.

(3) The Magistrate shall hear the prosecution and, in his discretion, may examine any person including the witness who is subject of the application orally, and shall record the substance of the statement.

(4) During the course of the preliminary inquiry, no prosecutor, officer of the Court or other person present or involved in the preliminary hearing shall disclose or reveal or leak out any information regarding the true identity of the witness, or any other particulars likely to lead to the identification of witness.

(5) During the course of the preliminary inquiry, no oral evidence shall be given, and no question may be put to any person, if such evidence or question relates directly or indirectly to the true identity of the witness who is subject of the application.

(6) While considering the application, the Magistrate shall have regard to the following:—

(i) the general right of the accused to know the identity of witness;

(ii) the principle that witness anonymity orders are justified only in exceptional circumstances;

(iii) the gravity of the offence;

(iv) the importance of the evidence of threatened witness in the case;

(v) whether the statement of witness, if any, under sub-section (3) as to why he is a threatened witness and as to why there is necessity to pass a protection order, is reliable; and

(vi) whether there is other evidence which corroborates the evidence of threatened witness in respect of the offence.

6. (1) If, after consideration of—

Order by the  
Magistrate.

(a) the application and all material and documents submitted in support of the application under section 4; and

(b) the statement of any person recorded, if any, under sub-section (3) of section 5;

and, after hearing the prosecution, the Magistrate is satisfied that—

(i) the witness who is subject of the application is a threatened witness;

(ii) withholding the identity of threatened witness until the investigation is completed and final report of charge sheet is submitted in the court, shall not be contrary to the interests of justice; and

(iii) the need for passing a protection order outweighs the general right of the accused to know the identity of the witness, he shall pass a reasoned judicial order that until the investigation is completed and the police report referred to in sub-section (2) of section 173 of the Code of Criminal Procedure, 1973 or charge sheet under any other law is forwarded to the Magistrate or Judge, the identity of threatened witness shall not be reflected or mentioned in—

2 of 1974

(a) any document prepared or any statement recorded under sections 161 and 164 of the Code of Criminal Procedure, 1973 or any other statement recorded during the course of investigation, including the case diary;

2 of 1974

(b) the police report or charge sheet referred to above and documents forwarded along with the police report or charge sheet;

(c) any other document forwarded to the Magistrate or Judge in any proceeding in relation to such offence;

(d) any proceeding before the Magistrate or before any other Court, during investigation, in relation to such offence.

(2) If, however, after such consideration and hearing as referred to in sub-section (1), the Magistrate is satisfied that—

(a) the witness who is the subject of the application is not a threatened witness; or

(b) withholding the identity of such a witness shall—

(i) be contrary to the interests of justice, or

(ii) not outweigh the right of the accused to know the identity of the witness,

he shall, by a reasoned judicial order, dismiss the application.

Prohibition of mentioning identity of witness.

7. (1) The true identity of witness who is subject of the application shall not be mentioned or reflected in any order sheet or proceeding under this part.

(2) It shall not be lawful for any person to print or publish in any manner any matter in relation to any proceeding under this Part.

## PART- II

### IDENTITY PROTECTION AFTER COMPLETION OF INVESTIGATION

Application for Identity Protection.

8. (1) If, after the Police Report referred to in sub-section (2) of section 173 of the Code of Criminal Procedure, 1973 or charge sheet referred to in any other law is forwarded to the Magistrate or Judge, as the case may be, but before the examination of witnesses begins to commence at the trial, including inquiry, the Assistant Public Prosecutor or the Public Prosecutor, as the case may be, is of the opinion that it is necessary to protect the identity of a threatened witness, whether or not, identity protection in respect of such threatened witness was sought or ordered at the stage of investigation under Part-I, he may, move an application in writing to the Judicial Magistrate of First Class or Judge, before whom the case is pending, seeking an identity protection order.

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(2) The application referred to in sub-section (1) may also be moved by the threatened witness, if such a witness intends to seek a protection order.

(3) The provisions of sub-sections (2) and (3) of section 4 shall apply *mutatis mutandis* to the application made under this section.

(4) Where an application filed under sub-section (1) before the Magistrate or Judge, as the case may be, has been rejected at any time under Part-I or this Part, such rejection, shall not preclude a fresh application being filed before the Magistrate or Judge, if fresh circumstances have arisen after the rejection of the earlier application for the grant of a protection order.

9. (1) The Magistrate or Judge, as the case may be, shall, upon receipt of an application under section 8, hold a preliminary inquiry *in camera* to determine whether the witness is a threatened witness as claimed in the application and whether there is necessity for the passing of a protection order and shall follow the procedure laid down in this section for such determination.

Preliminary  
Inquiry by  
Magistrate or  
Judge.

(2) The Magistrate or Judge, as the case may be, may require the prosecution or the threatened witness who has moved the application under section 8, to place before him any material or document which has not already been submitted, and which he considers relevant for the disposal of the application.

(3) The Magistrate or the Judge, as the case may be, shall hear the prosecution, and, subject to provisions of sub-sections (4) and (5) of this section, the accused, and may examine any person including the witness who is subject of the application, orally and shall record the substance of the statement.

(4) The Magistrate or Judge, as the case may be, shall, on the basis of the information which has come before him under sub-section (1) of section 8 or sub-sections (2) and (3), inform the accused or his pleader as to the apprehensions of the witness and as to why he is a threatened witness and the necessity for passing a protection order and, for that purpose, give a hearing to the accused before passing an order of protection:

Provided that the Magistrate or Judge shall not disclose the identity of the witness or any other particulars which may lead to the identification of the said witness:

Provided further that if the accused or his pleader wants to elicit further information from the prosecution of the threatened witness on the question of likelihood of danger to the life or property of the said witness or his close relatives, such accused or his pleader may be permitted to furnish a list of questions to be answered by the prosecution or the said witness but no question or information which may lead directly or indirectly to the identification of the said witness shall be permitted.

(5) The Magistrate or Judge, as the case may be, while examining the witness or any other person under sub-section (3) or hearing the submissions of the prosecutor or the applicant witness shall not allow the accused and his pleader to remain present during such inquiry.

(6) The provisions of sub-sections (4) to (6) of section 5 shall apply *mutatis mutandis* to the preliminary inquiry under this Part.

10. (1) If, after consideration of—

(a) the application and all materials and documents submitted in support of the application by the parties; and

(b) the statements, if any, recorded under sub-section (3) of section 9 and after hearing the submissions of the prosecutor or the applicant witness, as the case may be, and the accused, the Magistrate or Judge, as the case may be, is satisfied that—

Order by the  
Magistrate or  
Judge.

(i) the witness who is subject of the application is a threatened witness;

(ii) withholding the identity of threatened witness until the Judgement in trial is given and if any appeal or revision is presented against the judgement, until the decision in the appeal or revision, as the case may be, is given, shall not be contrary to the interests of justice; and

(iii) the need for passing a protection order outweighs the general right of the accused to know the identity of the witness,

he shall pass a reasoned judicial order that until the judgement in trial is given and if any appeal or revision is presented against the judgement, until the decision of the appeal or revision, as the case may be, is given, the identity of threatened witness shall not be reflected or mentioned in,—

(a) any document produced before the Magistrate or Judge, or before an appellate or revisional Court, in relation to such case;

(b) any proceeding (including judgement and order) before the Magistrate or Judge, or before an appellate or revisional Court, in relation to such case;

(c) any copy of documents required to be supplied to the accused as specified in sections 207 and 208 of the Code of Criminal Procedure, 1973 or under any other law.

2 of 1974

(2) If, however, after such consideration and hearing as referred to in sub-section (1), the Magistrate or Judge, as the case may be, is satisfied that—

(a) the witness who is subject of the application is not a threatened witness, or

(b) that withholding the identity of such a witness shall—

(i) be contrary to the interests of justice, or

(ii) not outweigh the right of the accused to know the identity of the witness,

he shall, by a judicial reasoned order, dismiss the application.

Prohibition of mentioning identity of witness.

**11. (1)** The true identity of witness who is subject of the application shall not be mentioned or reflected in any order sheet or proceeding under this part.

(2) It shall not be lawful for any person to print or publish in any manner any matter in relation to any proceeding under this Part.

### CHAPTER III

#### PROTECTION OF WITNESSES AND VICTIMS AT THE TRIAL

Recording of statements of threatened witnesses at the trial by closed-circuit television.

**12. (1)** When in respect of a threatened witness, an order for identity protection has been passed under sub-section (1) of section 10, his statement in the Court during trial shall be recorded as per the procedure laid down in the Schedule I, by using two-way closed—circuit television or video link in such a manner that the identity of the witness is not disclosed to the accused and his pleader:

Provided that the accused and his pleader shall, subject to the provisions of sub-section (2), be entitled to hear the voice of the witness during recording of the statement.

(2) The Presiding Judge may, on his own or on an application made by the prosecution or the threatened witness, if he is so satisfied, direct that while recording the statement referred to in sub-section (1), the voice of the witness shall be distorted, and in that event, the accused or his pleader shall be entitled to hear the distorted voice:

Provided that the undistorted voice-recording shall be kept in a sealed cover and the Presiding Judge shall have the exclusive right to access the undistorted voice.

(3) When the statement is recorded as mentioned in sub-section (1), the public generally, including the media personnel, shall not have access to, or be or remain, in the room or other places used by the court for the purpose of recording of the statement.

(4) Where the statement of the threatened witness is recorded under sub-sections (1) and (2), it shall not be lawful for any person to print or publish in any manner whatsoever, the identity of the threatened witness whose statement is so recorded.

**13.** Where in the case of trial of a serious offence, no application for a protection order has been made or having been made, has been refused but where the victim seeks that he may be permitted to depose without seeing the accused either physically or through television or video link to avoid trauma, the Court may, except for enabling the victim to identify the accused either physically or through television or video link, direct that examination of the witness shall be conducted by using two-way closed—circuit television or video link and two-way audio system in the manner specified in the Second Schedule.

Recording of statements of victim at the trial of serious offences where protection order has not been sought or has been refused.

**14.** (1) The technical personnel operating the two-way television or video link and the two-way audio system and the court master or stenographer of the Judge referred to in the Schedule I and II, shall be administered an oath of secrecy in respect of the identity and other particulars of the threatened witness.

Oath of secrecy to be administered to certain persons referred to in Schedules I and II.

(2) It shall not be lawful for any of the persons referred to in sub-section (1) to reveal the identity of the witness to any other person or body.

#### CHAPTER IV

##### DISTRICT WITNESS PROTECTION AUTHORITY

**15.** (1) Every State Government shall, as soon as may be, by notification in the Official Gazette, establish a District Witness Protection Authority for every district for carrying out purposes of this Act.

District Witness Protection Authority.

(2) The Authority shall consist of—

(a) the Superintendent of Police of the district, who shall be Chairperson, *ex-officio*; and

(b) not exceeding five officials of the police department, to be appointed by State Government, as members.

**16.** (1) Every District Witness Protection Authority shall formulate a Witness Protection Programme to ensure safety and welfare of witnesses.

Witness Protection Programme.

(2) Without prejudice to the generality of foregoing provision, the Witness Protection Programme shall include—

(a) making necessary arrangements to protect the witness or allow him to establish a new identity;

(b) relocating the witness;

(c) providing accommodation to the witness;

(d) providing financial assistance to the witness;

(e) permitting persons involved in the administration of the Witness Protection Programme to use assumed names in carrying out their duties and to have documentation supporting those assumed names; or

(f) doing any other thing permitted under the Witness Protection Programme to ensure the safety of the witness.

## CHAPTER V

## MISCELLANEOUS

Appeal. **17.** Any person who is aggrieved by an order passed under section 10, may appeal against such order to the High Court within thirty days from the date of order:

Provided that the High Court shall dispose of the appeal as expeditiously as possible and preferably within thirty days from the date of service of notice on respondent.

Offences. **18.** Whoever contravenes the provisions of sub-section (2) of section 7, sub-section (2) of section 11 and sub-section (2) of section 14, shall be punished with imprisonment of either description which may extend to two years and shall also be liable to fine which may extend upto rupees twenty thousand.

Overriding effect of Act. **19.** The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any provision of the Code of Criminal Procedure, 1973 or any other law for the time being in force.

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Power of High Court to make rules. **20.** (1) Every High Court may, with the previous approval of the State Government, make rules for the purpose of enforcement of the provisions of this Act in the Court of the Magistrate or of the Judge.

(2) In particular and without prejudice to the generality of the provision of sub-section (1), such rules may provide for—

(a) the manner in which and the places at which the statement of threatened witnesses referred to in section 12 and the Schedule I and the statement of victim referred to in section 13 and the Schedule II may be recorded by using two way closed-circuit television or video link and two-way audio system;

(b) the appointment, control and making available technical staff necessary for installation and operation of closed-circuit television and video link system, and for screening the victim and other witnesses from accused.

(3) All rules made under this section shall be published in the Official Gazette.



## SCHEDULE I

*(See section 12)*

1. There shall be a two-way closed-circuit television or video link and a two-way audio system established between the room from which the Presiding Judge functions (hereinafter called Room A) and another room (hereinafter called Room B).

2. In Room A, the Presiding Judge, the court master and the stenographer, the public prosecutor, the threatened witness in whose favour a protection order under section 10 has been passed and the technical personnel of the Court operating the television or video link and the audio system, shall alone be present.

3. In Room B, the accused, his pleader and the technical personnel of the Court operating the television or video link and the audio system, shall alone be present.

4. (a) The threatened witness shall be examined by the prosecutor who is in Room A directly, and he may identify the accused on the video screen but the camera in Room A shall not be focused on the threatened witness and his image shall not be visible on the screen in Room B.

(b) The said witness who is in Room A shall be cross-examined by the accused or his pleader who are in Room B through the two-way television or video link and the two-way audio system, subject to the procedure stated in sub-sections (1) and (2) of section 12.

## SCHEDULE II

*(See section 13)*

1. There shall be a two-way closed-circuit television or video link and a two-way audio system established between the room from which the Presiding Judge functions (hereinafter called Room A) and the other room (hereinafter called Room B).

2. In Room A, the Presiding Judge, the court master and stenographer, the accused and the technical personnel operating the two-way television or video link and the two-way audio system shall be present and the camera shall not be focused on the accused except when the victim has to identify the accused.

3. In Room B, the victim, the public prosecutor and the pleader of the accused shall be present and except as permitted under para 2, the image of the accused shall not be shown on the screen in Room B.

4. The victim shall be examined by the prosecutor or cross-examined by the pleader of the accused directly and the image of the accused who is in Room A shall not be visible on the screen in Room B.

## STATEMENT OF OBJECTS AND REASONS

The present judicial system has taken the witnesses completely for granted. Witnesses are summoned to the Court to give evidence in serious crimes. However, due to lack of security to witness and his family members they turn hostile. The legislative measures to emphasis the protection of witnesses have become imminent and inevitable need of the day.

The Law Commission of India in its 198th Report has also recommended for Witness Identity Protection and Witness Protection Programmes in case of all serious offences wherein there is danger to witnesses.

The Bill, therefore, seeks to provide for protection of identity of a threatened witness in criminal cases involving serious offences to ensure effective criminal justice delivery system in the country.

NEW DELHI;  
*July 8, 2015.*

RABINDRA KUMAR JENA

## FINANCIAL MEMORANDUM

Clause 12 of the Bill provides for recording of statements of threatened witnesses at the trial by using closed-circuit television or video link. Clause 13 provides for recording of statements of victim at the trial of serious offences by using closed-circuit television or video link. Clause 15 provides that every State Government shall establish District Witness Protection Authority. Clause 16 provides for providing accommodation and financial assistance to the witnesses. The expenditure relating to the States shall be borne out of the Consolidated Funds of the respective States. However, the expenditure in respect of Union Territories shall be borne out of the Consolidated Fund of India. It is estimated that an annual recurring expenditure of rupees two hundred crore would be involved from the Consolidated Fund of India.

A non-recurring expenditure of rupees fifty crore is also likely to be involved.

## BILL NO. 248 OF 2015

*A Bill to significantly reduce the high number of road accidents resulting in deaths and injuries by establishing a protective framework for all class of road users, including vulnerable road users; fixing accountability on and establishing minimum safety standards for road users, owners and vehicle manufacturers; enhancing enforcement and improving over-all road discipline and for matters connected therewith or incidental thereto.*

WHEREAS the Constitution of India guarantees right to life with dignity to all people;

AND WHEREAS approximately 1.4 lakh people are killed on Indian roads every year;

AND WHEREAS it is necessary to safeguard the health and prosperity of innocent civilians by establishing a safe system where the number of fatalities and serious injuries caused by accidents are significantly reduced in the long term.

BE it enacted by Parliament in the Sixty-sixth Year of the Republic of India as follows:—

## CHAPTER I

## PRELIMINARY

1. (1) This act may be called the National Road Transport Safety and Miscellaneous Provisions Act, 2015.

(2) It extends to the whole of India.

Short title,  
extent and  
commencement.

(3) It shall come into force on such date as the Central Government may, by notification in the official Gazette, appoint.

Declaration.       **2.** It is hereby declared that it is expedient in public interest that Union should take road transport under its control.

Definitions.       **3.** In this Act, unless the context otherwise requires,—

(a) "ambulance" means a vehicle specially designed, constructed or modified and equipped and intended to be used for emergency transportation of persons who are sick, injured, wounded or otherwise incapacitated;

(b) "certificate of registration" means the certificate issued under the Motor Vehicles Act, 1988 by a competent authority to the effect that a motor vehicle has been duly registered in accordance with the said Act;

(c) "company" means a company incorporated under the Companies Act, 2013 or under any previous company law;

(d) "community service" means a requirement of unpaid work under such terms as may be specified by the National Road Safety Authority imposed on a person who has committed an offence under this Act;

(e) "driver" means any person who drives or steers a motor vehicle;

(f) "driving licence" means the licence issued under the Motor Vehicles Act, 1988 authorizing a person to drive, otherwise than as a learner, a motor vehicle or a motor vehicle of any specified type or class;

(g) "drug" includes any intoxicant other than alcohol, natural or synthetic, or any natural material or any salt or preparation of such substance or material as specified by the National Road Safety Authority;

(h) "emergency vehicle" means a transport vehicle used solely for police, fire brigade or ambulance purposes;

(i) "goods" means any kind of movable property and includes livestock but does not include persons and their personal effects;

*Explanation.*—Motor vehicles being transported on another motor vehicle shall also be considered as goods.

(j) "gross vehicle weight", in respect of any vehicle, means the maximum weight of the vehicle in laden condition as specified by the manufacturer and certified by the type approving authority;

(k) "heavy motor vehicle" means any motor vehicle the gross vehicle weight of which exceeds twelve thousand kilograms or as specified by the National Road Safety Authority;

(l) "licensing authority" means an authority empowered by the National Road Safety Authority to issue licences under this Act;

(m) "light motor vehicle" means a motor vehicle, the gross vehicle weight of which does not exceed seven thousand five hundred kilograms or as specified by the National Road Safety Authority;

(n) "manufacturer" means a person who is engaged in the manufacture of motor vehicles;

(o) "mobile machinery" means heavy equipment or construction equipment or earth moving equipment except shop or hand tools, which is self-propelled, towed, or hauled and used primarily in construction and maintenance of roads, bridges, ditches, buildings and land reclamation or as specified by the National Road Safety Authority;

(p) "motor cycle" means a two-wheeled motor vehicle, including a sidecar with an extra wheel which may be attached;

(q) "motor vehicle" or "vehicle" means any mechanically propelled vehicle used in any place whether the power of propulsion is transmitted thereto from an external or internal source and includes a chassis to which a body has not been attached and a trailer or a semi-trailer or mobile machinery; but does not include a vehicle running upon fixed rails or a vehicle of a special type adapted for use only in a factory or in any other enclosed premises or such vehicles as may be notified by the National Road Safety Authority from time to time;

(r) "National Road Safety Authority" means the National Road Safety Authority established under section 67;

(s) "non-motorised transport" means any mode of transport that is propelled or powered by muscular power of either human beings or animals and excludes pedestrians;

(t) "owner" in relation to a motor vehicle means the person in whose name a motor vehicle stands registered and where such person is a minor, the guardian of such minor; and in relation to a motor vehicle which is the subject of a hire-purchase agreement, or an agreement of lease or an agreement of hypothecation, the person in possession of the vehicle under that agreement; or in respect of an unregistered vehicle, the person in possession or control of the vehicle; or a vehicle manufacturer or dealer or importer till such time the vehicle is registered;

(u) "passenger" is a person who travels in a vehicle but bears little or no responsibility for the tasks required for that vehicle to arrive at its destination or otherwise operate the vehicle;

(v) "passenger vehicle" means any motor vehicle constructed or adapted for use for the carriage of passengers and their personal luggage;

(w) "permit" means a document issued under this Act authorizing the use of motor vehicles as a transport vehicle;

(x) "private service vehicle" means a motor vehicle constructed or adapted to carry passengers and ordinarily used by or on behalf of the owner of such vehicle for the purpose of carrying persons for, or in connection with, his trade or business otherwise than for hire or reward but does not include a motor vehicle used for public transportation;

(y) "property" includes goods carried in the motor vehicle, personal effects of passengers, as well as roads, bridges, culverts, causeways, trees, posts and milestones;

(z) "protective headgear" includes any equipment or device, including helmets, primarily intended to protect the wearer's head against impact in the event of a collision;

(za) "public place" means a road, street, way or other place, whether a thoroughfare or not, to which the public have a right of access, and includes any place or stand at which passengers are picked up or set down;

(zb) "road safety" means the set of practices which identify those problems that contribute to crashes or injuries and includes methods and measures for reducing the risk of a road crash death or injuries sustained in a crash in a public place including but not limited to driver education regarding responsible road sharing and protection of vulnerable road users, enforcement of traffic laws, manufacture of vehicles with inbuilt high safety standards, construction of safe roads and provision of emergency road services;

(zc) "restricted road" includes a road on which a speed limit applies or has a restriction on the types of vehicles which may ply on that road or has been notified by the appropriate authority to be a restricted road;

(zd) "road crash death" means the death of any person who dies within thirty days or such time period as may be specified by the National Road Safety Authority, as a result of injuries sustained due to a crash caused by a motor vehicle in a public place;

(ze) "semi-trailer" includes a vehicle without motive power designed to be drawn by a motor vehicle or truck tractor or a prime mover and so constructed that an appreciable part of its weight and that of its load rests on and is carried by the motor vehicle or truck tractor, and a pole trailer;

(zf) "State Road Safety Authority" means the State Road Safety Authority established under Section 90;

(zg) "Technical Working Groups" means the working groups established under Section 82;

(zh) "three-wheeled vehicle" means a motor vehicle having three wheels designed, constructed or adopted for the carriage of persons and/or goods, but does not include a two-wheeler attached with a sidecar or a two-wheeler adapted for use by differently abled persons;

(zi) "traffic" on roads includes motor vehicles, pedestrians, non-motorized transport and other vehicles, either singly or together;

(zj) "traffic signs" includes all signals including manual signals, warning sign posts, direction posts, markings on the road or other devices for providing information, guidance or direction to any user of the road;

(zk) "trailer" includes, a vehicle without motive power designed to be drawn by or used in conjunction with a motor vehicle except—

(a) a boat, horse, snowmobile, automobile or motorcycle trailer that is not used for business purposes or financial gain;

(b) an implement of animal husbandry;

(c) a sidecar attached to a motorcycle; and

(d) a disabled motor vehicle that is towed by a tow car.

(zl) "transport vehicle" means a motor vehicle used for carriage of passengers for hire or reward or a goods vehicles or a trailer or a semi-trailer or mobile machinery but does not include a private service vehicle;

(zm) "two-wheeler" means a two wheeled motor vehicle with or without a detachable sidecar with one or more wheels and includes a two-wheeler adapted for use by differently-abled person;

(zn) "unladen weight" means the weight of a vehicle or a trailer including all equipment ordinarily used with the vehicle or trailer when working, but excluding the weight of a driver or attendant; and where alternative parts or bodies are used the unladen weight of the vehicle means the weight of the vehicle with the heaviest such alternative part or body;

(zo) "weight" means the total weight transmitted for the time being by the wheels of a vehicle to the surface on which the vehicle rests.

Guiding principles, to be followed in administration of the Act.

**4.** The Central Government, the State Governments, the National Road Safety Authority, the State Safety Authorities and other agencies, as the case may be, while implementing the provisions of this Act shall be guided by the following principles, namely:—

(a) the desirability to facilitate the seamless movement of people, goods and services by way of motor vehicles throughout the territory of India;

(b) the advantages offered to the public by the development of road transport and systems of public transportation;

(c) the development of technology, its adoption, and innovation in motor vehicles and road transport;



- (d) the necessity to ensure public safety;
- (e) the necessity to protect public health;
- (f) the desirability of reducing the incidence and severity of road trauma;
- (g) the desirability of preventing the deterioration of the road network;
- (h) the desirability to foster transparency and eliminate corrupt practices.

## CHAPTER II

### ROAD SAFETY, TRAFFIC MANAGEMENT AND RELATED OFFENCES

**5. (1)** A National Unified Information System shall be developed and maintained by the National Road Safety Authority for the entire country for ensuring road safety.

National  
Unified  
Information  
System.

(2) Without prejudice to the generality of the foregoing provision, the National Unified Information System shall include information relating to—

- (a) the registration of motor vehicles and the renewals of such registrations;
- (b) the information of manufacturers, including chassis number and engine number of motor vehicles either manufactured in India or registered in India;
- (c) the details of insurance policies of motor vehicles registered in India;
- (d) the certificates of fitness and pollution under control certificates;
- (e) the issuance and renewal of driving licences;
- (f) traffic offences committed along with penalties imposed on the holders of driving licences and registered motor vehicles;
- (g) road crashes involving motor vehicles.

(3) The system shall be developed to ensure that the payment of monies and the distribution of revenue to the States and the local Government is facilitated in a seamless manner and protects against revenue leakage.

(4) Notwithstanding anything contained in any other law, the National Road Safety Authority shall have the power to call for information from any person in possession, control or ownership of such information, including the State Governments, competent licensing authorities, competent registering authorities, motor vehicle manufacturers and such person shall be obliged to submit the said information forthwith.

(5) Every motor vehicle manufacturer shall be obliged to provide details including the unique chassis number assigned by it to each vehicle it manufactures to the National Road Safety Authority for the purpose of developing and maintaining the National Unified Information System and in such format and manner as may be specified by the National Road Safety Authority.

(6) Whoever fails to provide information to the National Road Safety Authority shall be committing an offence under this Act which shall attract penalty in accordance with Schedule II.

**6. (1)** An Electronic Road Crash and Offences System shall be designed and developed by the National Road Safety Authority within two years from the date of the commencement of this Act and shall be implemented within one year of its development.

Electronic  
Road Crash  
and Offences  
System.

(2) The Electronic Road Crash and Offences System shall be designed to—

- (a) enable the submission of data on road crashes and offences either electronically or at any police station in the country; and
- (b) facilitate the collection of uniform standardized information regarding road crashes and offences.

Universal  
Road Crash  
Emergency  
Access  
Telephone  
Number.

7. (1) The National Road Safety Authority shall establish a toll-free Nation-wide Road Crash Emergency Access Telephone Number for the entire country to enable persons involved in a road crash or any other person to alert and access first-response emergency services that shall provide emergency services including golden-hour trauma care.

(2) The Central Government, State Government and State Safety Authority shall ensure, through appropriate regulations or orders or directives, that all emergency services are coordinated in their response to road crashes via the said Nation-wide Road Crash Emergency Access Telephone Number.

(3) The National Road Safety Authority shall make regulations specifying the form and manner in which such Nation-wide Road Crash Emergency Access Telephone Number is established and operated.

Unified  
Driving  
Licensing  
System.

8. (1) A Unified Driving Licensing System shall be designed and developed by the National Road Safety Authority within six months from the date of the commencement of this Act and shall be implemented within one year of its development.

(2) Without prejudice to the generality of the above provision, the Unified Driving Licensing System shall—

(a) enable the submission of applications for different types of driving licences from anywhere in the country both electronically or before any competent licensing authority in the country;

(b) facilitates collection of uniform standardized information including biometric or any other equivalent unique identification technology identified by the National Road Safety Authority;

(c) facilitate collection of such information as may be necessary to verify whether the applicant for a driving licence has a valid and operating bank account;

(d) facilitates grant of licence in a transparent and time bound manner; and

(e) enable electronic payment of the fees as prescribed by the National Road Safety Authority in consultation with the Central and the State Government for issuance of driving licence.

(3) The National Road Safety Authority in consultation with the State Safety Authorities shall establish *licence Seva Kendras* in all the States to deliver licence services to citizens in a timely, transparent, more accessible and reliable manner and in a comfortable environment through streamlined processes and trained workforce.

Grant of  
Driving  
Licence.

9. (1) The National Authority shall lay down the detailed requirements for the issuance of driving licence, including mandatory driver training and competence tests.

(2) Notwithstanding the generality of the provision under sub-section (1), no person shall be granted a driving licence unless—

(a) that person is medically fit to hold that category of licence and the criteria for fitness shall be as prescribed by the National Road Safety Authority;

(b) that person has undergone mandatory driver's training in the manner and at an institution as prescribed by the National Road Safety Authority; and

(c) that at some time in the three months prior to the date of application, that person has passed the specified tests of competence to drive:

Provided that the National Authority shall also prescribe the procedure for renewal of driving licence.

Offences  
related to  
driving  
licence.

10. (1) Any person who, while holding any valid driving licence, attempts to obtain any other driving licence except as provided under this Act, shall be punishable in accordance with Schedule II.

(2) Any person who, while holding any valid driving license, obtains any other driving license except as provided under this Act, then both such licenses issued to that person shall be deemed to be invalid.

(3) Any person who, while holding any valid driving license, holds any other driving license except as provided under this Act shall be punishable in accordance with Schedule II.

(4) Any person who, being disqualified under this Act for holding or obtaining a driving license, drives a motor vehicle in any place, or applies for or obtains a driving license, shall be punishable in accordance with Schedule II.

(5) Any person who, not being entitled to have a driving license issued to such person free of endorsement, applies for or obtains a driving license without disclosing the endorsement made on a driving license previously held by such person, shall be punishable in accordance with Schedule II and may have to undergo compulsory refresher training.

(6) Whoever, being the owner or the driver of a motor vehicle, or the person under whose instructions the driver of a motor vehicle, knowingly causes or permits a minor to drive that vehicle shall be punishable in accordance with Schedule II.

**11.** (1) The State Government shall prescribe electronic enforcement of road safety and traffic regulations for any urban city within the State, which has a population above the limit prescribed by the Central Government.

Electronic  
Enforcement  
of Traffic  
Regulations.

(2) For the purposes of this Section, the National Road Safety Authority shall make regulations for electronic monitoring and enforcement for road safety, which may include speed cameras, CCTV cameras, speed guns and other similar, progressive technology that achieves the objectives specified by the National Road Safety Authority.

**12.** (1) The National Road Safety Authority shall make regulations specifying the protective gear and conspicuity requirements including types of helmets, reflector material and jackets, required for affording protection to persons on bicycles from death or injury in the event of a crash.

Bicyclist  
Safety-  
Protective  
headgear and  
conspicuity  
requirements.

(2) A person who is riding a bicycle without wearing protective headgear or in contravention of regulations under this section shall be guilty of an offence under this Act and be punished in accordance with Schedule II.

(3) In case the offence under sub-section (2) is committed by a driver, the person shall be awarded penalty points in accordance with Schedule I.

*Explanation.*—For the purposes of this section and section 13, "helmet" includes any head-dress as specified by the National Road Safety Authority.

(4) The Central Government shall ensure that adequate financial assistance is provided to the manufacturers of protective headgear and conspicuity requirements for bicycles so as to make such gear affordable to bicycle users.

**13.** (1) The National Road Safety Authority shall make regulations specifying the protective gear and conspicuity requirements, including types of helmets, daytime running lights, reflectorizing material, reflector, jackets and visors, required to afford protection to persons on motor cycles of all classes, from death or injury in the event of a crash.

Motorcyclist  
Safety-  
Protective  
headgear and  
conspicuity  
requirements.

(2) A person who drives or rides a motor cycle without protective gear or in contravention of regulations under this section shall be guilty of an offence under this Act and be punished in accordance with Schedule II:

Provided that if the person actually committing the contravention is a child under the age of sixteen years, the owner shall be held guilty of the offence:

Provided further that the requirement for protective headgear imposed by regulations under this section shall not apply to any follower of the Sikh religion.

(3) In case the offence under sub-section (2) has been committed by the driver, the person shall be awarded penalty points in accordance with Schedule I.

*Explanation.*—For the purposes of this section "Daytime Running Lights" include headlamps or lights switched on during the day in order to increase visibility and conspicuity of the vehicle.

Unauthorized sale of protective and conspicuity gear.

**14.** If a person sells, or offers for sale, any protective or conspicuity gear, as specified by the National Road Safety Authority (by reference to shape, construction or any other quality) in sections 12 and 13 for affording such protection and the gear is not—

(a) of a type specified under sections 11 and 12; or

(b) of a type authorized under regulations made under sections 12 and 13 such person shall be guilty of an offence and shall be punished in accordance with Schedule II:

Provided a person shall not be convicted of an offence under this section in respect of the sale or offer for sale of any protective or conspicuity gear if that person proves that such protective or conspicuity gear was sold or offered for sale solely for export purposes.

Three wheeled vehicles Safety and conspicuity requirements.

**15.** (1) The National Road Safety Authority shall make such regulations specifying the safety and conspicuity requirements including fog lights and tail lights, retro-reflective material, or other requirements for poor or dense weather conditions, as may be required to afford protection to persons on or in three wheeled vehicles of different classes, from death or injury in the event of crash.

(2) Whoever, while driving a three wheeled vehicle contravenes the provisions of sub-section (1) shall be punished in accordance with Schedule II, and shall be awarded penalty points in accordance with Schedule I.

Light Motor Vehicles: Safety and Conspicuity Requirements.

**16.** (1) The National Road Safety Authority shall make such regulations specifying (by reference to shape, construction or any other quality) the safety and conspicuity requirements including air-bags, daytime running lights and reflectorizing material as may be necessary to afford protection to persons on or in Light Motor Vehicles of different classes, from death or injury in the event of a collision.

(2) Whoever, while driving a light motor vehicle contravenes the provisions of sub-section (1) shall be punished in accordance with Schedule II, and shall be awarded penalty points in accordance with Schedule I.

Safety and Conspicuity Requirements for Stationary Vehicle.

**17.** (1) The National Road Safety Authority shall make such regulations specifying (by reference to shape, construction or any other quality) the safety and conspicuity requirements including, but not limited to daytime running lights, tail lights or fog lights, retro-reflective material and barricading requirements in case of vehicles being stationary on the road, as may require to afford protection to persons on or in, or from transport vehicles of different classes, from death or injury in the event of a crash.

(2) Whoever, while driving a transport vehicle contravenes the provisions of sub-section (1) shall be punished in accordance with Schedule II, and shall be awarded penalty points in accordance with Schedule I.

Restriction of carriage of persons on non-motorized transport.

**18.** (1) No person shall conduct carriage on a road or riding of or carriage in non-motorized transport of persons more than such number as may be specified by the National Road Safety Authority.

(2) If a person is carried on or in non-motorised transport in contravention of sub-section (1), the driver shall be guilty of an offence under this Act and punished in accordance with Schedule II.

**19.** (1) Not more than one person in addition to the driver shall be carried on a motor cycle.

Restriction of carriage of persons on Motor Cycles.

(2) No person or animal in addition to the driver may be carried on a motor cycle otherwise than sitting on a proper seat securely fixed to the motor cycle either being behind the driver's seat or being a combined seat.

(3) If a person or animal is carried on a motor cycle in contravention of this section, the driver of the motor cycle shall be guilty of an offence under this Act and shall be punished in accordance with Schedule II and shall be awarded penalty points in accordance with Schedule I.

**20.** (1) Not more than the specified number of persons as may be provided by the National Road Safety Authority shall be carried on a road in a three-wheeled vehicle.

Restriction of carriage of persons in three-wheeled vehicles.

(2) If a person is carried in a three-wheeled vehicle in contravention of sub-section (1), the owner and the driver of the three-wheeled vehicle shall be guilty of an offence under this Act.

*Explanation.*—In this section, references to a person carried in a three-wheeled vehicle includes references to persons driving the three-wheeled vehicle.

**21.** (1) A person who drives or rides in a motor vehicle without wearing a seat belt or in contravention of regulations under this section shall be guilty of an offence under this Act and shall be punished in accordance with Schedule II:

Seat belts for Adults in a motor vehicle.

Provided that no person other than the person actually committing the contravention shall be guilty of an offence by reason of the contravention.

(2) In case the offence under sub-section (1) is committed by a driver, the person shall also be awarded penalty points in accordance with Schedule I.

(3) The National Road Safety Authority may by regulations specify:

(a) the description of seat belts to be worn;

(b) different requirements in relation to different classes of vehicles, different descriptions of persons, including those with disabilities or with special health requirements, and different circumstances; and

(c) any exceptions to sub-section (1), and may require persons seeking such exception to obtain a certificate, which, in certain cases, may be issued for a specified fee.

(4) If the holder of a certificate under clause (c) of sub-section (3) is informed by a police officer that the person may be prosecuted for an offence under sub-section (1), the person shall not be entitled to rely on the exception afforded by the certificate in proceedings for that offence unless:

(a) the certificate is shown to the police officer at the time that person is so informed; or

(b) the certificate is produced—

(i) to the police officer within seven days after the date on which the person is so informed; or

(ii) as soon as reasonably practicable, at such police station as the person may have specified to the police officer; or

(c) the person proves before the day on which the proceedings commence that it was not reasonably practicable for him to produce the certificate within the time specified on a day.

(5) For the purposes of sub-section (4), the service of the complaint on the accused shall be treated as the commencement of the proceedings.

Seat belts and seating requirements for children in motor vehicles.

**22.** (1) Except as provided by regulations, a parent or guardian of the child, or in the absence of such parent or guardian, the driver of the motor vehicle shall not allow a child below the age of eight years to occupy the front seat of a motor vehicle when the vehicle is in motion. In case of contravention, the driver shall be punished in accordance with Schedule II and shall be awarded penalty points in accordance with Schedule I.

(2) Except as provided by regulations, where a child above the age of eight years occupies the front seat of a motor vehicle, a person shall not drive the vehicle on a road unless the child is wearing a seat belt or child restraint system in conformity with regulations. In case of contravention, the driver shall be punished in accordance with Schedule II and shall be awarded penalty points in accordance with Schedule I.

(3) Except as provided by regulations, where a child under the age of fourteen years is in the rear of a motor vehicle, a person shall not drive the vehicle on a road unless the child is wearing a seat belt or child restraint system in conformity with regulations. In case of contravention, the driver shall be punished in accordance with Schedule II and shall be awarded penalty points in accordance with Schedule I.

(4) Except as provided by regulations, a person shall not drive the passenger car on a road in cases where a child of the specified description is in the rear of the passenger car when:

(a) no seat belt is fitted in the rear of the passenger car; and

(b) a seat in the front of the passenger car is provided with a seat belt but is not occupied by any person.

(5) Regulations made for the purposes of sub-section (2) or (3) above shall include an exemption for any child holding a valid certificate signed by a medical practitioner, in the form and manner specified by the National Road Safety Authority, to the effect that it is not advisable on medical grounds for that child to wear a seat belt.

(6) If the driver of a motor vehicle is informed by a police officer that the person may be prosecuted for an offence under this section, the person is not entitled to rely on an exception afforded to a child by a certificate referred to in sub-section (5) in proceedings for that offence unless:

(a) the certificate is shown to the police officer at the time such person is so informed; or

(b) the certificate is produced to the police officer within seven days after the date on which such person is so informed; or

(c) the person proves before the day on which the proceedings commence that it was not reasonably practicable for him to produce the certificate within the time specified on a day.

(7) For the purposes of sub-section (6), the service of the complaint on the accused shall be treated as the commencement of the proceedings.

Child restraint systems in vehicles.

**23.** (1) The National Road Safety Authority shall make regulations specifying the types of equipment of any description to which this section applies that are required as conducive to the safety, in the event of a collision or a sudden stop, for specified categories of children in specified classes of motor vehicles.

(2) Regulations under this section may specify types of child restraint systems required for children under a certain weight and height.



(3) Regulations under this section may make provision for securing that when equipment of a type specified by the regulations is sold or offered for sale, as equipment which is so conducive,—

(a) appropriate information is provided in relation to it in such manner as may be specified; and

(b) inappropriate information is not provided in relation to it.

(4) Except in such circumstances as may be specified, if a person sells, or offers for sale, equipment of any description for which a type is specified under this section as equipment which is so conducive and that equipment:

(a) is not of a type so specified; or

(b) is sold or offered for sale in contravention of regulations under this section,

that person shall be, subject to sub-section (6), guilty of an offence and punished in accordance with Schedule II.

(5) Except in such circumstances as may be specified, if a person sells, or offers for sale, equipment of any description for which a type is specified in this section as equipment conducive to the safety, in the event of a crash,—

(a) of children not a category specified in relation to equipment of that type; or

(b) of children in motor vehicles not of a category specified in relation to equipment of that type;

that person shall be, subject to sub-section (6), guilty of an offence and punished in accordance with Schedule II.

(6) A person shall not be guilty of an offence under this section in respect of the sale or offer for sale of equipment if the person proves that it was sold or, as the case may be offered for sale for export.

(7) Regulations under this section may make different provisions in relation to different circumstances.

*Explanation.*—References in this section to selling or offering for sale include references to letting on hire and offering to let on hire.

**24.** (1) The operator of a bus in which any of the passenger seats are equipped with seat belts shall take all reasonable steps to ensure that every passenger is notified of the requirement to wear a seat belt at all times when—

Requirement to notify bus passengers to wear seat belts.

(a) the passenger is in a seat equipped with a seat belt; and

(b) the bus is in motion.

(2) For the purposes of sub-section (1), a passenger may be notified by means of an official announcement or an audio-visual presentation or pictorial symbol of the form as specified.

(3) An operator who fails to comply with provisions of sub-section (1) shall be guilty of an offence and punished in accordance with Schedule II.

(4) Where an offence under sub-section (3) is committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, a director, manager, secretary or other similar officer of the body corporate, or any person who was purporting to act in such a capacity, that person as well as the company shall be guilty of the offence and liable to be proceeded against and punished accordingly.

(5) Sub-section (1) shall not apply in relation to a bus:

(a) which is being used to provide a local service in a built-up area; or

(b) which is constructed or adapted for the carriage of standing passengers and on which the operator permits standing as per the regulations specified by National Road Safety Authority.

(6) For the purposes of clause (a) of sub-section (5), a local service is provided in a built-up area if the entire route used by that service consists of restricted roads.

Prohibition  
of parking or  
abandoning of  
Motor  
Vehicles in  
certain  
places.

**25. (1)** A person shall be guilty of an offence and punished in accordance with Schedule II, along with being awarded penalty points in accordance with Schedule I if such person parks or abandons a motor vehicles (as specified in regulations made by the National Road Safety Authority) on any road including:—

(a) on the verge of a road; or

(b) on any land situated between two carriageways and which is not a footpath or a cycle track; or

(c) on a footpath; or

(d) on a cycle track:

Provided that a person shall not be convicted of an offence under this section in respect of a vehicle if that person proves to the satisfaction of the court that—

(a) it was parked or abandoned in accordance with permission given by an authorized person; or

(b) it was parked or abandoned in contravention of this section for the purpose of saving life or extinguishing fire or meeting any other like emergency; or

(c) the vehicle was owned or operated by a highway authority or by a person discharging functions on behalf of a highway authority and was driven in contravention of that sub-section in connection with the carrying out by or on behalf of that authority of any of the following, that is—

(i) cleaning, maintenance or improvement; or

(ii) maintenance or alteration of any structure or other work situated in, the cycle track or path or their verges; or

(iii) preventing or removing of obstructions to the cycle track or the footpath; or

(iv) preventing or abating in any other way of nuisances or other interferences with the cycle track or footpath.

(d) it was parked or abandoned in contravention of this section but the following conditions were satisfied—

(i) that the vehicle was parked on the verge of a road or on a footpath for the purpose of loading or unloading with adequate warning signs, barricading and other safety measures as specified by the National Road Safety Authority;

(ii) that the loading or unloading of the vehicle could not have been satisfactorily performed if it had not been parked on the footpath or verge; or

(iii) that the vehicle was not left unattended at any time while it was so parked and had adequate warning signs, barricading and other safety measures as specified by the National Road Safety Authority.

Prohibition  
of driving in  
certain  
places.

**26. (1)** Any person who, without lawful authority, drives a motor vehicle wholly or partly on a cycle track or a footpath shall be guilty of an offence and punished in accordance with Schedule II along with being awarded penalties in accordance with Schedule I.



(2) A person shall not be convicted of an offence under sub-section (1) with respect to a vehicle if the person proves to the satisfaction of the court that—

(a) the vehicle was driven in contravention of that sub-section for the purpose of saving life, or extinguishing fire or meeting any other like emergency; or

(b) that the vehicle was owned or operated by a highway authority or by a person discharging functions on behalf of a highway authority and was driven in contravention of that sub-section in connection with the carrying out by or on behalf of that authority of any of the following, that is,

(i) cleaning, maintenance or improvement; or

(ii) maintenance or alteration of any structure or other work situated in, the cycle track or footpath or their verges; or

(iii) preventing or removing of obstructions to the cycle track or the footpath; or

(iv) the preventing or abating in any other way of nuisances or other interferences with the cycle track or footpath.

**27.** Every person shall conform to and obey any indication of a Child Zone, as specified by the National Road Safety Authority and shall comply with all directions given to that person by any police officer, or other authorized person, for the time being engaged in regulation and surveillance of a child zone.

Duty to obey  
Child Zones.

*Explanation.*—"Child Zone" in this section means a specified area, as notified by the State Safety Authority in conformity with regulations specified by the National Road Safety Authority, frequented by children including spaces outside schools, parks or specified times in the day, where the traffic shall be regulated through interventions including speed limits, engineering interventions and other measures to ensure the safety of children.

**28.** (1) The Traffic Authority through an order made under this sub-section may prohibit—

Speed limits  
on roads  
other than  
restricted  
roads.

(a) the driving of motor vehicles on that road at a speed exceeding that specified in the order;

(b) the driving of motor vehicles on that road at a speed exceeding that specified in the order during periods specified in the order; or

(c) the driving of motor vehicles on that road at a speed exceeding the speed for the time being indicated by traffic signs in accordance with the order.

(2) An order made by virtue of clause (c) of sub-section (1) may—

(a) make provision restricting the speeds that may be indicated by traffic signs or the periods during which the indications may be given; and

(b) provide for the indications to be given only in such circumstances as may be determined by or under the order; but any such order must comply with regulations made under sub-section (3), except where the State Government authorizes otherwise in a particular case.

(3) The State Government may make rules governing the provision which may be made by orders of local authorities under clause (b) of sub-section (2) and any such rules may in particular—

(a) prescribe the circumstances in which speed limits may have effect by virtue of an order;

(b) prescribe the speed limits which may be prescribed in an order; and

(c) make transitional provision and different provisions for different cases.

(4) While an order made under clause (a) of sub-section (1) is in force with regard to a road, that road shall not be a restricted road for the purposes of section 30 of this Act.

(5) For the purposes of this section a "traffic authority" means an authority that manages and regulates traffic under this Act.

Offences of driving at excessive speed.

**29.** (1) A person who drives a motor vehicle of any class in contravention of the speed limits referred to in section 28, shall be punishable in accordance with Schedule II and shall be awarded penalty points in accordance with Schedule I for each offence so committed.

(2) Whoever causes a person who is in his employment or under his control when driving a motor vehicle to drive the vehicle in contravention of the speed limits referred to in section 28, shall be punishable in accordance with Schedule II.

(3) The publication of a time-table or log book, or the giving of any direction electronically as per which any journey or part of a journey is to be completed within a specified time shall, if in the opinion of the Court, is not practicable in the circumstances of the case for that journey or part of a journey to be completed in the specified time without contravening the speed limits referred to in section 28, be *prima facie* evidence that the person who published the time table or log book or gave the direction electronically has committed an offence punishable under sub-section (2).

(4) Any person who commits an offence under this section may also have his license suspended or revoked subject to the penalties mentioned in Schedule II, and may have to undergo compulsory refresher training for renewal of licenses:

Provided that no statutory provision imposing a speed limit on motor vehicles shall apply to any designated emergency vehicle on an occasion when it is being used for fire-lighting and rescue purposes, ambulatory purposes, disaster response or police purposes, if the observance of such provision is likely to hinder the use of the vehicle for the purpose for which it is being used on that occasion.

Offence of driving at excessive speed on restricted roads.

**30.** (1) A person who drives a motor vehicle on a restricted road at a speed exceeding the speed limit specified for such roads shall be guilty of an offence and punished in accordance with Schedule II, along with being awarded penalty points under Schedule I.

(2) The traffic authority for a road may direct that the road—

(a) which is a restricted road for the purposes of this Act shall cease to be a restricted road; or

(b) which is not a restricted road shall be a restricted road for the purposes of this Act.

(3) For the purposes of this section a "traffic authority" means an authority that manages and regulates traffic under this Act.

Speed Management Signs.

**31.** (1) For the purpose of ensuring that adequate guidance is given to drivers of motor vehicle as to whether any, and if so, what, limit of speed is to be observed on any road, it shall be the duty of the State Government, in the case of a road for which that person is the traffic authority, to place and maintain speed management signs in such positions as may be requisite for that purpose.

(2) In the case of any other road, the local traffic authority may issue an order in writing—

(a) to place and maintain such number of traffic signs in such positions as may be requisite in order to give effect to general or other directions given by the State Governments for the purpose mentioned in sub-section (1); and

(b) to alter or remove traffic signs as may be requisite in order to give effect to such directions, either in consequence of the making of any order by the State Government or otherwise.

**32.** (1) Notwithstanding anything contained under any other law, upon the approach of an emergency vehicle equipped with, and operating, one or more flashing, rotating, or oscillating red or blue lights, visible under normal conditions from a distance of five hundred feet to the front of such vehicle; or the driver is giving audible signal by siren, exhaust whistle, or bell, the driver of every other vehicle, including VIP vehicles and VIP convoys shall yield the right-of-way, immediately drive to a position parallel to, and as close as possible to, the edge or curb of the road clear of any intersection, and stop and remain in such position until the emergency vehicle has passed, except when otherwise directed by a police officer or firefighter.

Right of way to emergency vehicles.

(2) No operator of any vehicle, unless he is on official business, shall follow any emergency vehicle being operated in conformity with the provisions of sub-section (1) closer than five hundred feet, nor shall he drive into, or park the vehicle into, or park the vehicle within, the block where the vehicle has stopped in answer to an emergency call or alarm unless he is directed otherwise by a police officer or firefighter.

(3) No motor vehicle shall be driven over any unprotected hose of a fire department when the hose is laid down on any street, private driveway, or track for use at any fire or fire alarm unless the fire department official in command consents that the hose be driven over.

(4) This section does not operate to relieve the person who drives an emergency vehicle from the duty to operate the vehicle with due regard for the safety of all persons using the roads.

(5) Whoever, being the driver of a motor vehicle or the person under whose instructions a motor vehicle is being operated, knowingly causes or permits a violation of sub-sections (1), (2) and (3), shall be punishable in accordance with Schedule II, shall be awarded penalty points in accordance with Schedule I.

**33.** (1) A person who drives a motor vehicle shall maintain a safe distance to an extent, as specified by the National Road Safety Authority, while overtaking or passing non-motorized transport or pedestrian, on restricted roads.

Maintenance of safe distance from pedestrians and non-motorized transport.

(2) A person who drives a motor vehicle in contravention of sub-section (1), shall be guilty of an offence, except if:

(a) it was necessary to do so to ensure safety of passengers in the motor vehicle; or

(b) to avoid a collision on the road.

**34.** Whoever drives a motor vehicle in a manner which causes a sense of alarm or distress to the occupants of the vehicle, other road users, and persons and property near roads, which includes driving against the authorized flow of traffic, dangerous passing and overtaking, including by authorized convoys with escort vehicles, convoy of private service vehicles and vehicles carrying personal security officers in the convoy, driving dangerously and dangerous driving with children on board, having regard to all the circumstances including the nature, condition and use of the place where the vehicle is driven and the volume of traffic at the time or which might reasonably be expected to be at such place even if such person is within the limits of speed for particular road, shall be punishable for each mentioned offence, in accordance with Schedule II, and shall be awarded penalty points in accordance with Schedule I.

Driving which causes threat to public safety.

**35.** (1) No person shall drive a motor vehicle under the influence of alcohol and the National Road Safety Authority may make additional regulations in this regard.

Prohibition on Driving under the influence of alcohol or drugs.

(2) A person shall be punishable in accordance with Schedule II, along with being awarded penalty points under Schedule I, if while driving, or attempting to drive a motor vehicle, such person is found to have alcohol in his breath or blood on an impairment test or on a test by a breath analyser or any other test including clinical test.

(3) The Central Government, in consultation with the State Government and the National Road Safety Authority, shall develop a liquor vending policy to regulate the placement of or abolition thereof, of liquor vends adjacent to national highways.

(4) A person who, while driving, or attempting to drive a motor vehicle, is under the influence of a narcotic, or a psychotropic substance or a drug or a prescription drug as prescribed by the Central Government in this behalf, by notification, shall be punishable in accordance with Schedule II, if—

(a) the person does not complete a compulsory impairment test in a manner satisfactory to a police officer under section 59, provided that any such police officer should be trained to give such test in the manner specified by the National Road Safety Authority; and

(b) the person's blood or urine, as ascertained from an analysis through a clinical test subsequently taken under section 61 contains evidence of the use of a drug or drugs as specified by the National Road Safety Authority.

(5) A police officer may arrest a person without warrant if the person refuses or fails to comply with provisions of sections 60 or 61.

(6) Any driver of a motor vehicle, carrying a child or children in the vehicle, who violates sub-section (1) or sub-section (4), shall be punishable in accordance with Schedule II, and subjected to an immediate cancellation of license for a period of three years.

(7) Any person who drives a transport vehicle or a heavy motor vehicle and violates sub-section (1) or sub-section (4) shall be punishable in accordance with Schedule II, and subjected to an immediate cancellation of license for a period of five years.

(8) Any person who has committed an offence under sub-section (4) shall have a valid defence, if the court is satisfied that the person had consumed the relevant qualifying drug:

(a) in accordance with:

(i) a current and valid prescription written for that person by a registered medical practitioner; and

(ii) any instructions from a registered medical practitioner or from the manufacturer of the qualifying drug; or,

(b) because it was administered by a registered medical practitioner, provided that the person complied with the instructions, if any, that the registered medical practitioner has given.

(9) It is no defence to proceedings for an offence that a provision forming part of sections 59, 60 and 61 has not been strictly complied with or has not been complied with at all, provided there has been reasonable compliance with such of those provisions as apply.

**36.** A person is guilty of an offence and shall be punished in accordance with Schedule II if the person intentionally and without lawful authority or reasonable cause—

(a) causes anything to be on or over a road or near a road such that it affects the safety of road users or obstructs clear and safe vision of road users; or

(b) interferes with a motor vehicle; or

(c) interferes directly or indirectly, with traffic equipment, in such circumstances that it would be obvious to a reasonable person that to do so would be dangerous; or

(d) damages public property.

Causing  
danger to  
road users.

*Explanation I.*—For the purposes of this section:—

(a) "dangerous" refers to danger either of injury to any person while on or near a road, or of serious damage to property on or near a road; and in determining for the purposes of that sub-Section what would be obvious to a reasonable person in a particular case, regard shall be had not only to the circumstances of which a reasonable person could be expected to be aware but also to any circumstances shown to have been within the knowledge of the accused; and

(b) "traffic equipment" means:

(i) anything lawfully placed on or near a road by a highway authority;

(ii) a traffic sign lawfully placed on or near a road by an authorized person or by an authorized member of the police or by a person acting under the instruction, whether general or specific of a police officer other than a highway authority; or

(iii) any fence, barrier or light lawfully placed on or near a road for the purposes of construction or maintenance of the road, or by an authorized member of the police or a person acting under the instructions, whether general or specific of a senior officer of police.

**37.** If a person in charge of a vehicle causes or permits the vehicle or a trailer or a semitrailer or mobile machinery drawn by it to remain at rest on a road in such a position or in such condition or in such circumstances as to cause a sense of alarm or distress to occupants of the vehicle, other road users, and persons and property near roads, that person shall be guilty of an offence and punished in accordance with Schedule II.

Leaving vehicles in dangerous position.

**38.** A person shall be guilty of an offence and punished in accordance with Schedule II, if, while a motor vehicle is on a road or on a parking place provided by a local authority, the person, without consent of the owner,

Tampering with vehicle.

(a) gets on to the vehicle; or

(b) tampers with the brake or other part of its mechanism, without lawful authority or reasonable cause; or

(c) tampers with safety electronic device.

**39.** If for the purpose of being carried or drawn, a person, without lawful authority or reasonable cause, takes or retains hold of, or gets on to, a motor vehicle or trailer or semitrailer or mobile machinery while in motion on a road, the person shall be guilty of an offence and punished in accordance with Schedule II.

Holding or getting on to vehicle in order to be towed or carried.

**40.** A person who disrupts the flow of traffic in the following manners guilty of an offence and shall be punished in accordance with Schedule II—

Offence of disrupting Flow of Traffic, etc.

(a) parking a motor vehicle in a manner so as to disrupt the flow of traffic unless that person can show that there was an emergency which necessitated such an act.

(b) crossing any road, street, way or thoroughfare at any point where signs, fences, barriers, or other devices are erected to prohibit or restrict such crossing.

(c) crossing any road, street, way or thoroughfare in violation of a traffic signal or traffic sign.

*Explanation*—For the purposes of this section, "flow of traffic" means the authorized movement of motor vehicles, non-motorized transport and pedestrians.

**41. (1)** A person shall be guilty of an offence of overloading and punished in accordance with Schedule II, if the person who drives a motor vehicle, or causes or allows a motor vehicle to be driven, including common carriers, goods transport agents and consignees, where:

Overloading.

(a) the unladen weight of vehicle exceeds the unladen weight specified in the certificate of registration of the vehicle;

(b) the laden weight of vehicle exceeds the gross vehicle weight specified in the certificate or registration;

(c) the number of persons carried in the vehicle exceeds the number of passengers the vehicle is authorized to carry by the National Road Safety Authority;

(d) an object or cargo that protrudes outside the body of the vehicle is carried in a manner that is likely to compromise the safety of or poses a danger to any person or property:

Provided that in case the contravention is committed by the driver, he shall be awarded penalty points in accordance with Schedule I:

Provided further that standard variance in weight may be permitted for equipment, mandated under this Act, fitted to the vehicle:

Provided further that a toll operator, as defined in National Highways Authority Rules, 1997 shall be guilty of an offence under this section, if the toll operator allows such a motor vehicle to be driven in that portion of the road over which such toll operator operates or has obtained a concession:

Provided further that a police officer on duty at a particular location shall be guilty of an offence under this section if the police officer permits such a motor vehicle to traverse that location.

(2) Where the driver or person in charge of a motor vehicle driven in contravention of sub-section (1) is not the owner of the vehicle or consignor of the goods carried by the vehicle, a Court may presume that the offence was committed with the knowledge of or under the orders of the owner of the motor vehicle or consignor of the goods:

Provided that a consignor shall be held responsible for the offence only if that person is the sole consignor for the goods carried in the motor vehicles.

Powers  
regarding  
vehicles  
suspected of  
overloading.

**42. (1)** Any authorized person may enter into a passenger vehicle and check whether the vehicle is carrying more passengers than it is authorized to carry.

(2) In the event of vehicle carrying more passengers than it is authorized to carry, the authorized person may direct the driver or the owner of the vehicle to offload passengers beyond the authorized capacity and shall direct the driver or the owner to make other provisions for such passengers.

(3) Any person authorized in this behalf by the National Road Safety Authority or the State Safety Authority shall, if that person has reason to believe that a motor vehicle is being used in contravention of section 41 require the driver to convey the motor vehicle to a weighing device in such manner as may be specified by the National Road Safety Authority and if on such weighing the motor vehicle is found to contravene the provisions of section 41 regarding weight, that person shall, by order in writing, direct the driver to offload the excess weight at the driver's own risk and cost and not to remove the vehicle or trailer from that place until the laden weight has been reduced or the vehicle or trailer has otherwise been dealt with so that it complies with section 41 and on receipt of such notice, the driver shall comply with such directions.

(4) In case the vehicle owner or driver, as the case may be, fails to do so, such person shall cause the extra weight to be unloaded at the risk and cost of owner or consignor and such cost shall be recoverable from the owner of motor vehicle or consignor of goods.

(5) Where the person authorized under sub-section (1) makes the said order in writing, that person shall furnish the relevant details of the overloading on the goods carriage permit and also intimate the fact of such details to the authority which issued that permit.



(6) Any driver of a vehicle who refuses to stop and submit the vehicle to weighing after being directed to do so by a person authorized in this behalf, or removes or causes the removal of the load or part of it prior to weighing, shall be punishable in accordance with Schedule II.

**43.** The State Government or any authority authorized in this behalf by the State Government, if satisfied that it is necessary in the interest of public safety or convenience, or because of the nature of any road or bridge, may by notification, prohibit or restrict, subject to such exceptions and conditions as may be specified in the notification, the driving of motor vehicles or of any specified category of motor vehicles or the use of trailers or other road users either generally in a specified area or on a specified road and when any such prohibition or restriction is imposed, shall cause appropriate traffic signs to be placed in accordance with this Act.

Power to restrict the use of vehicles in certain cases.

**44.** (1) The State Government or any authority authorized in this behalf by the State Government, may cause or permit traffic signs to be placed in any place for the purpose of bringing to public notice any speed limits fixed under Section 28 or any prohibitions or restrictions imposed under this Act or generally and may designate certain roads as main roads by notification or by the placement at suitable places of the appropriate traffic sign for the purposes of the driving regulations made by the National Road Safety Authority.

Power to place traffic signs.

(2) Traffic signs placed under sub-section (1) shall be of such size, color and type and shall have the meanings set forth as per regulations by the National Road Safety Authority:

Provided that the State Government or any authority empowered in this behalf by the State Government, may make or authorize the addition to any sign set forth in the regulations by the National Road Safety Authority:

Provided further that such sign mentioned in the regulations shall be reviewed every three years and shall reflect International Standards as subscribed to by the Government of India.

(3) A State Government or the State Safety Authority may, by notification, empower any police officer to remove or cause to be removed any sign or advertisement which is so placed in that officer's opinion as to obscure any traffic sign from view or any sign or advertisement which in that officer's opinion is so similar in appearance to a traffic sign as to be misleading.

(4) No person shall wilfully remove, alter, deface, or in any way tamper with, any traffic signs placed under this section.

(5) If any person in a crash causes such damage to a traffic sign and renders it useless for the purpose for which it is placed under this section, that person shall report the circumstances of the occurrence to a police officer or at a police station as soon as possible, and in any case within twenty four hours of the occurrence.

(6) Whoever violates a traffic signal shall be subjected to penalties in accordance with Schedule II and awarded penalty points in accordance with Schedule I.

**45.** When any person is injured or any property of a third party is damaged, as a result of crash in which a motor vehicle is involved, the driver of the vehicle or other person in charge of the vehicle shall—

Duty of driver in case of a crash and injury to a person.

(a) unless it is not practicable to do so on account of mob fury or any other reason beyond the control of the driver, take all reasonable steps to secure medical attention for the injured person, by conveying that person to the nearest medical practitioner or hospital or nursing home, and it shall be the duty of every registered medical practitioner or the doctor on duty in the hospital or nursing home to immediately attend to the injured person and render medical aid or treatment without waiting for any procedural formalities, or financial arrangements unless the injured person or the guardian of the injured person, in case the person is a minor, desires otherwise:

Provided that it shall be an offence by the owners, management, registered medical practitioner or the doctor on duty if the registered medical practitioner or the doctor on duty in the hospital or nursing home do not immediately attend to the injured person.

(b) give on the demand of an authorized police officer any information required by that person, or, if no police officer is present, report the circumstances of the occurrence, including the circumstances, if any, for not taking reasonable steps to secure medical attention as required under clause (a), at the nearest police station as soon as possible, and in any case within twenty-four hours of the occurrence;

(c) give the following information in writing to the insurer, who has issued the certificates of insurance, about the occurrence of the crash, namely:—

- (i) insurance policy number and period of its validity;
- (ii) date, time and place of the crash;
- (iii) particulars of the persons injured or killed in the crash; and
- (iv) name of the driver and the particulars of the driving license of the driver.

*Explanation.*— For the purposes of this section, the expression "driver" includes the owner of the vehicle.

Duty of the driver to take certain precautions at unguarded railway level crossings.

**46.** (1) Every driver of a motor vehicle at the approach of any unguarded railway level crossing shall cause the vehicle to stop and the driver of the vehicle shall cause the conductor or cleaner or attendant or any other person in the vehicle to walk up to the level crossing and ensure that no train or trolley is approaching from either side and then drive the motor vehicle across such level crossing, and where no conductor or cleaner or attendant or any other person is available in the vehicle, the driver of the vehicle shall get down from the vehicle himself to ensure that no train or trolley is approaching from either side before the railway track is crossed.

(2) Any person who drives a motor vehicle through a railroad crossing, and fails to yield to barriers at the crossing, or disobeys traffic signals at the crossing or commits any other violation which could put the driver and passengers in danger at the railway crossing, shall be punishable in accordance with Schedule II.

Using vehicle in unsafe condition.

**47.** (1) Any person who drives or causes or allows to be driven in any place a motor vehicle while the vehicle has any defect, which such person knows of or could have discovered by the exercise of ordinary care and which is calculated to render the driving of the vehicle a source of danger to a motor vehicle in a manner which causes a sense of alarm or distress to occupants of the vehicle, other road users, and persons and property near roads, shall be punishable in accordance with Schedule II and shall be awarded penalty points in accordance with Schedule I.

(2) Any person who drives or causes or allows to be driven, in any place a motor vehicle, which violates the standards specified in relation to road safety, including headlights, taillight, indicators, break lights, tyre tread, control of noise and air pollution, or with reduced vehicle conspicuity for other road users, shall be punishable in accordance with Schedule II, and in each case, shall be awarded penalty points in accordance with Schedule I.

(3) Any person who drives or causes or allows to be driven, in any place a motor vehicle which violates the provisions of this Act or the rules and regulations made under the Act relating to the carriage of goods which are of dangerous or hazardous nature, shall be punishable in accordance with Schedule II, and in each case, shall be awarded penalty points in accordance with Schedule I.



**48.** (1) Any person or principal authority or contractor responsible for the design, construction and maintenance of the safety standards of the road shall follow design, construction and maintenance standards, as determined by the National Road Safety Authority from time to time and shall ensure, that no death, injury or damage is caused to road users as a result of failure to adhere to such safety standards.

Failure to comply with standards for road design, construction and maintenance.

(2) Any enforcing authority may bring an action for failure to maintain a road against the designated authority under sub-section (1), if the persons responsible for the design, construction and maintenance of the road have not exercised due care to secure the safety circumstances as was reasonably required in the part of the road to which the action relates to.

(3) The designated authority under sub-section (1) shall be punishable in accordance with Schedule II if failure on part of such designated authority to comply with standards for road design, construction and maintenance results in a death or disability.

(4) For the purposes of the action under this Section the court shall in particular have regard to the following matters:

(a) the character of the road, and the traffic which was reasonably expected to use it;

(b) the standard of maintenance appropriate for a road of that character and use by such traffic;

(c) the state of repair in which a reasonable person would have expected to find in the road;

(d) whether the persons responsible for the maintenance of the road knew, or could reasonably have been expected to know, that the condition of the part of the road to which the action relates was likely to cause danger to users of the road;

(e) where the persons responsible for the maintenance of the road could not reasonably have been expected to repair that part of the road before the cause of action arose; and

(f) whether adequate warning notices of its condition had been displayed.

**49.** Whoever uses any handheld communication device while driving a motor vehicle shall be punished in accordance with Schedule II and shall be awarded penalty points in accordance with Schedule I.

Offences relating to certain communication devices.

*Explanation.*—For the purpose of this section "communication device" means a portable communication device, other than a two-way radio where authorized, with which a person is capable of making or receiving a call or sending a Short Message Service (SMS) message, watching a video or performing an interactive communication function with any other person.

### CHAPTER III

#### GENERAL OFFENCES AND INVESTIGATION PROVISIONS

**50.** (1) Whoever, commits an offence under this Act, shall be punished with one or more of the following penalties:

General provision regarding penalties.

(a) fines as specified under Schedule II;

(b) community service as may be specified by the National Road Safety Authority;

(c) imprisonment for both cognizable and non-cognizable offences;

(d) impounding of vehicles for a term, as specified under Schedule II;

*Explanation.*—For the purposes of this Act,—

(i) all references to impounding of motor vehicles shall be construed so as

to include the immobilization of the motor vehicle on the premises of the owner of the motor vehicle by means of an immobilisation device;

(ii) "immobilisation" means any device or appliance designed or so adapted to be fixed to a vehicle for the purpose of preventing it from being driven or otherwise put in motion.

(e) awarding of penalty points, as specified in Schedule I;

(f) suspension of licences, registration or permits, as specified under Schedule II;

(g) cancellation of licences, registrations or permits, as specified under Schedule II;

(h) compulsory refresher training in a manner as specified by the National Road Safety Authority for each offence.

(2) Unless otherwise specified in this Act, an offence under a provision shall be considered a repeated offence if its commission takes place either within a period of one year, or as otherwise specified by the National Road Safety Authority, from the previous commission of an offence under the same provision:

Provided that whoever contravenes any provision of this Act or of any rule, regulation, order or notification made under this Act shall, if no penalty is provided for the offence, be punished for the offence in accordance with Schedule II.

General provision for driver penalty points scheme.

**51. (1)** Whoever, while driving commits an offence under this Act shall be awarded penalty points for the offence, in accordance with Schedule I, in addition to the fine or imprisonment as the case may be.

(2) The consequences of accumulated penalty points, and the period of validity of such penalty points to any holder of a driving license shall be as specified under Schedule I.

(3) The procedure for awarding penalty points and maintaining records associated with such penalty points shall be as specified by the National Road Safety Authority.

(4) The National Road Safety Authority may also formulate incentive schemes to encourage safe driving behaviour.

Driving uninsured vehicle.

**52. (1)** Whoever drives a motor-vehicle or causes or allows a motor vehicle to be driven without a valid policy of insurance, shall be deemed to have committed a cognizable offence and shall be punished in accordance with Schedule II.

(2) Any person responsible for insuring a vehicle including the vehicle owner or consignor or driver, as the case may be, fails to insure, such person shall be deemed to have committed a cognizable offence and shall be punished in accordance with Schedule II.

Punishment for offences relating to a crash.

**53. (1)** Whoever, while driving or attempting to drive a motor vehicle or a motorcycle causes a crash, shall be punished in accordance with Schedule II, and shall also be awarded penalty points shall be punished in accordance with Schedule I, and shall have to undergo compulsory refresher training.

(2) Whoever, while driving a motor vehicle or attempting to drive a motor vehicle causes the death of a person, shall be punished in accordance with Schedule II, and the subjected to an immediate cancellation of license.

(3) Whoever fails to complete a compulsory impairment test in a manner satisfactory to a police officer, as specified by the National Road Safety Authority, when required to do so by a police officer under section 59 shall be deemed to have committed an offence under this Act.

Punishment for abetment of certain offences.

**54.** Whoever abets the commission of an offence under this Act shall be punished with the punishment provided for that offence:

Provided that the punishment in case of section 41 shall only be applicable to the owner or consigner of the vehicle.

**55.** (1) Where an offence under this Act has been committed by a company, every person who, at the time the offence was committed, was in charge of, and was responsible to, the company for the conduct of the business of the company shall be deemed to be guilty of the offence and shall be liable to be proceeded and punished accordingly:

Offences by companies.

Provided that no person shall be held liable for an offence under this sub-section if he proves that the offence was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company and it is proved that the offence was committed with the consent or connivance of, or is at to any neglect on the part of any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence, and shall be liable to be proceeded against and punished accordingly.

*Explanation.*—For the purposes of this section "director" means a partner in the firm.

**56.** (1) Any police officer in uniform may arrest without a warrant any person—

Power to arrest without warrant.

(a) who in the presence of such officer commits an offence punishable under sections 25, 26, 35, 52 and 53 or subject to the provisions of this section; and

(b) who has committed an offence under this Act and refuses to provide his name and address on demand of such information.

(2) Any person arrested in connection with an offence punishable under section 35 shall, within two hours of such arrest, be subjected to a medical examination referred to in sections 59, 60, 61 by a registered medical practitioner failing which such arrested person shall be released from custody.

(3) A police officer arresting the driver of a motor vehicle without warrant shall, if the circumstances so require, take or cause to be taken any step as he may consider proper for the temporary disposal of the vehicle.

(4) A female offender may be arrested without warrant only by a female police officer in uniform.

**57.** (1) If any police officer or other person authorized in this behalf by the State Government has reason to believe that any license, permit, certificate of registration, certificate of insurance or other document produced by the driver or person in charge of a motor vehicle is a false document within the meaning of section 464 of the Indian Penal Code 1860, such officer or authorized person, as the case may be, may seize and mark the document and call upon the driver or owner of the vehicle to account for their possession of or the presence in the vehicle of such document.

Power to impound document.

(2) If any police officer or any other person authorized in this behalf by the State Road Safety Authority has reason to believe that the driver or owner of a motor vehicle who is charged with any offence under this Act may abscond or otherwise avoid the service of a summons, such officer or authorized person may seize any license or certificate of registration of the vehicle held by such driver and forward it to the Court taking cognizance of the offence and the said Court shall on the first appearance of such driver before it, return the license or certificate of registration to the driver or owner, as the case may be, in exchange for the temporary acknowledgement given under sub-section (3).

(3) A police officer or the authorised person seizing a license or the certificate of registration under sub-section (2) shall give to the person surrendering the license or the certificate of registraion a temporary acknowledgement for the same, and such acknowledgement shall authorize the holder to drive until the license has been returned or until such date as may be specified by the officer or authorized person in the acknowledgement, whichever is earlier:

Provided that if any Magistrate, police officer or any other person authorized by the State Road Safety Authority in this behalf is, on an application so made, is satisfied that the license cannot be, or has not been, returned to its holder before the date specified in the acknowledgement for any reason for which the holder is not responsible, the Magistrate, police officer or authorized person, as the case may be, may extend the period of authorization to drive to such date as may be specified in the acknowledgement.

Disobedience of orders, obstruction or causing death or injury of a person enforcing the Act.

**58.** (1) Whoever willfully disobeys any order lawfully issued by any person or authority empowered under this Act to issue such order, or obstructs any person or authority in the discharge of any functions which such person or authority is required or empowered under this Act to discharge, shall, if no other penalty is provided for the offence, be punished in accordance with Schedule II and be awarded penalty points in accordance with Schedule I.

(2) Any person who, being required by or under this Act to supply any information, willfully withholds such information or gives information which such person knows to be false or does not believe to be true, shall, if no other penalty is provided for the offence, be punished in accordance with Schedule II, and be awarded penalty points in accordance with Schedule I.

(3) Whoever, causes the death or an injury to any person in the discharge of any functions under this Act, shall, if no other penalty is provided for the offence, be punished in accordance with Schedule II.

Impairment Tests.

**59.** (1) A police officer in uniform or a person authorized by the traffic authority in this behalf, may require any person, driving or attempting to drive a motor vehicle in any place, or whom the police officer has reasonable cause to suspect has recently committed an offence under this Act, or who is driving or attempting to drive a vehicle involved in a crash or whom the officer has reasonable cause to suspect was driving a motor vehicle involved in a crash, to undergo a compulsory impairment test as specified by the National Road Safety Authority, if the police officer has reasonable cause to suspect that the person has consumed a drug or drugs.

(2) A police officer may require a person specified under sub-section (1) to—

(a) remain in the place where stopped, for a period of time that is reasonable in the circumstances, to undergo the compulsory impairment test; or

(b) accompany a police officer to another place to undergo the compulsory impairment test.

(3) A person who has undergone a compulsory impairment test must remain at the place where the person underwent the test until the result of the test is ascertained.

(4) A police officer may exercise the powers in sub-sections (1) and (2) in addition to any breath tests under section 60 and regardless of the outcome of any such tests.

(5) A person shall have a valid defence, if the court is satisfied that the person's failure or refusal to undergo a compulsory impairment test is because of—

(a) a pre-existing medical condition or pre-existing disability that precludes undergoing the test; or

(b) an injury, sustained in a motor vehicle crash giving rise to an obligation to undergo the test that precludes undergoing the test.

Breath tests.

**60.** (1) A police officer in uniform or a person authorized by the traffic authority in this behalf, may require any person driving or attempting to drive a motor vehicle in any place, or whom the police officer has reasonable cause to suspect has recently committed an offence under this Act, or who is driving or attempting to drive a vehicle involved in a crash or whom the officer has reasonable cause to suspect was driving a motor vehicle involved in crash, to provide one or more specimens of their breath for breath tests at or near that place, if such police officer or authorized person has reasonable cause to suspect such person of having committed an offence under section 35.

(2) A person who has undergone a breath test shall remain at the place until the result of the test is ascertained.

(3) A requirement for breath tests under sub-section (1) shall be made, as soon as may be reasonably practicable after the commission of such offence under this Act, in accordance with the procedure specified by the National Road Safety Authority.

(4) If a motor vehicle is involved in a crash in any place and a police officer in uniform has reasonable cause to suspect that the person driving the motor vehicle at the time of the crash had alcohol in their blood or that such person was driving under the influence of a drug referred to in section 35, the officer may require the person so driving to provide a specimen of his breath for a breath test—

(a) at the hospital, if such person is an indoor patient subject to sub-section (2);

(b) in the case of any other person, either at or near the place where the requirement is made; or

(c) if the police officer thinks fit, at a police station specified by the police officer.

(5) A person shall not be required to provide a specimen while at a hospital under clause (a) of sub-section (4) if the registered medical practitioner in immediate charge of that person's case:

(a) is not first notified of the proposal to make the requirement; or

(b) objects to the provision of a specimen on the ground that its provision or the requirement to provide it would be prejudicial to the proper care or treatment of the patient.

(6) If it appears to a police officer in uniform, in consequence of a breath test carried out by that officer on any person under sub-section (1) or sub-section (3), that the device by means of which the test was carried out indicates the presence of alcohol in the person's blood, the officer may arrest that person without warrant except while that person is at a hospital as an indoor patient.

(7) If a person is required by a police officer under sub-section (1) or sub-section (3) to provide a specimen of breath for a breath test, and refuses or fails to do so, and the police officer has reasonable cause to suspect that person of having alcohol in his blood, the police officer may arrest that person without warrant except while that person is at a hospital as an indoor patient.

(8) A person arrested under this section shall, while at a police station, be given an opportunity to provide a specimen of breath for a breath test here.

(9) The results of a breath test made in pursuance of the provisions of this section shall be admissible in evidence.

*Explanation.*—For the purposes of this section, "breath test" means a preliminary test for the purpose of obtaining, by means of a device of a type approved by the National Road Safety Authority, by notification, an indication whether as to the presence of alcohol in a person's blood or breath is likely to exceed the specified limit.

**61.** (1) A person who has been arrested under section 35 may, while at a police station, be required by a police officer to provide to such registered medical practitioner, a specimen of their blood or urine for a clinical test if:

Clinical test.

(a) it appears to the police officer that the device, by means of which breath test was taken in relation to such person, indicates the presence of alcohol in the blood or urine of such person; or

(b) such person, when given the opportunity to submit to a breath test, has refused, omitted or failed to do so; or

(c) the police officer has reasonable cause to suspect that the person has consumed a drug or drugs, and such person, when required to complete a compulsory impairment test under section 59 does not complete such test in a manner satisfactory to such police officer.

(2) A person who has been required by a police officer under sub-section (1) to permit the taking of a blood specimen shall, without delay after being requested to do so by a registered medical practitioner, permit that practitioner to take a blood specimen from that person.

(3) Where the person required to provide such specimen is a female, and the registered medical practitioner produced by such police officer is a male medical practitioner, the specimen shall be taken only in the presence of a female medical practitioner or a police officer.

(4) A person while at a hospital as an indoor patient may be required by a police officer to provide at the hospital a specimen of their blood or urine for a clinical test:

(a) if it appears to the police officer that the device by means of which a breath test is carried out in relation to the breath of such person indicates the presence of alcohol in the blood or urine of such person; or

(b) if the person having been required, whether at the hospital or elsewhere, to provide a specimen of breath for a breath test has refused, omitted or failed to do so and a police officer has reasonable cause to suspect that person of having alcohol in their blood or urine; or

(c) if the police officer has reasonable cause to suspect that the person has consumed drug or drugs, and the person does not complete a compulsory impairment test in a manner satisfactory to a police officer, who is trained to give the test, when required to do so by a police officer under section 59.

(5) A person shall not be required to provide a specimen of blood or urine for a clinical test under sub-section (2) if the registered medical practitioner in immediate charge of such person's case:

(a) is not first notified of the proposal to make the requirement; or

(b) objects to the provision of such specimen on the ground that its provision or the requirement to provide it would be prejudicial to the proper care or treatment of the patient.

(6) The results of a clinical test made in pursuance of this section shall be admissible in evidence.

*Explanation.*—For the purposes of this section, "clinical test" means the analysis of a specimen of blood or urine made at a laboratory established, maintained or recognised by the Central Government or a State Government.

Presumption of unfitness to drive.

**62.** In any proceeding for an offence punishable under Section 98 if it is proved that the accused when requested by a police officer at any time so to do, had refused, omitted or failed to consent to the taking of or providing a specimen of their breath for a breath test or a specimen of their blood or urine for a clinical test, such refusal, omission or failure may, unless reasonable cause for the same is shown, be presumed to be a circumstance supporting any evidence given on behalf of the prosecution, or rebutting any evidence given on behalf of the defence, with respect to unfitness of the accused to drive.

Penalty for offence committed by an enforcing authority.

**63.** Any authority that is empowered to enforce the provisions of this Act shall, if such authority commits an offence under this Act, incur twice the penalty prescribed for that offence.

Compounding of certain offences.

**64.** (1) Any offence committed after the commencement this Act, which is punishable with fine only, may, before or after the institution of the prosecution, be compounded by



such officers or authorities and for such amount as the Central Government may, by notification, provide in this behalf.

(2) No offence under sub-section (1) shall be compounded for—

- (a) the offences involving amount less than the minimum amount of fine as may have been provided under this Act;
- (b) offences involving imprisonment;
- (c) any third or subsequent offence; and
- (d) offences in which penalty points specified cannot be waived.

**65.** (1) The Court taking cognizance of any offence (other than an offence which the Central Government may by rules specify prescribe) under this Act,—

Summary disposal of cases.

(a) may, if the offence is an offence punishable with imprisonment under this Act; and

(b) shall, in any other case, state upon the summons to be served on the accused person that he:

(i) may appear by pleader or in person; or

(ii) may, by a specified date prior to the hearing of the charge, plead guilty to the charge and remit to the Court, by money order, such sum not exceeding the maximum fine that may be imposed for the offence as the Court may specify, and the plea of guilt indicated in the money order coupon itself:

Provided that the Court shall, in the case of any of the offences referred to in sub-section (2), state upon the summons that the accused person, if such person pleads guilty, shall so plead in the manner specified in clause (b) and shall forward the driving license to the Court with such letter containing such plea.

(2) Where the offence dealt with in accordance with sub-section (1) is an offence prescribed by the Central Government by rules for the purposes of this sub-section, the Court shall, if the accused person pleads guilty to the charge and forwards that person's driving license to the Court with the letter containing such plea, make an endorsement of such conviction on such driving license.

**66.** The National Road Safety Authority shall have the power to amend Schedules in order to amend the offences punishable under this Act.

Power of National Road Safety Authority to amend Schedules.

#### CHAPTER IV

##### NATIONAL ROAD SAFETY AUTHORITY

**67.** (1) The Central Government shall, within six months of commencement of this Act, by notification establish an authority to be known as National Road Safety Authority to exercise the powers conferred on, and to perform the functions assigned to it under this Act.

Constitution of National Road Safety Authority.

(2) The National Authority shall be a body corporate with the name aforesaid having perpetual succession and a common seal with the power, subject to the provisions of this Act to acquire, hold and dispose of property and to contract, and may, by the aforesaid name, sue or be sued.

(3) The Authority shall consist of—

(a) the Union Minister for Road Transport and Highways as the Patron, not being a member;

(b) a Chairperson, who shall have the rank of a Secretary to the Government of India; and

(c) at least four and not more than eight members excluding the Chairperson, who shall have the rank of Additional Secretary to the Government of India.

(4) A member of the National Road Safety Authority, not being the Chairperson, shall be a person of ability, integrity and standing and with special knowledge of, or professional experience in either one or more subjects of economics, transport, urban planning, law, traffic management and regulation, medical sciences and trauma care, crash investigation and forensics, air pollution, road safety, insurance, motor vehicles, civil engineering, which, in the opinion of the Central Government, will be useful for the National Road Safety Authority to render its functions and fulfill its objectives under this Act.

(5) All members of the National Road Safety Authority shall be whole-time members.

(6) The members of the National Road Safety Authority shall be appointed in such manner so as to secure the highest standards of professional competence and a range of relevant expertise in order to effectively discharge the duties and functions of the National Road Safety Authority under this Act.

(7) The head office of the National Road Safety Authority shall be in the National Capital Region of Delhi.

(8) The National Road Safety Authority may establish such number of offices at such places in India as may be deemed fit by it to render its functions and to fulfill its objectives.

Appointment  
of  
Chairperson  
and other  
Members.

**68.** (1) The Chairperson and the members of the National Road Safety Authority shall be appointed by the Central Government from a panel of persons recommended by a selection committee established under this Act.

(2) The selection committee shall consist of:

(a) the Cabinet Secretary to the Government of India, as the Chairperson;

(b) the Secretary in-charge of the Ministry of Road Transport and Highways, Government of India, as a member;

(c) two Secretaries to the Government of India; and

(d) three experts of repute with special knowledge of, or professional experience in either one or more subjects of economics, transport, urban planning, law, traffic management and regulation, medical sciences and trauma care, crash investigation and forensics, air pollution, road safety, insurance, motor vehicles, automotive engineering, civil engineering, as members.

(3) The term of the selection committee and the manner of selection of the panel of persons shall be such as may be prescribed.

(4) The Central Government shall make a reference to the selection committee for filling up of a vacancy in the National Road Safety Authority—

(a) within one month from the date of occurrence of a vacancy by reason of death, resignation or removal of the Chairperson or a member of the National Road Safety Authority; or

(b) three months before the superannuation or completion of the term of office of the Chairperson or a member of the National Road Safety Authority.

(5) For every vacancy referred to it, the selection committee shall make such recommendations within two months from the date on which reference is made to it.

(6) A member of the selection committee shall not be eligible to be considered for appointment as the Chairperson or a Member of the National Road Safety Authority for a period of two years from the date on which he ceases to be a member of the selection committee.

(7) Before making any recommendations under sub-section (5), the selection committee shall satisfy itself that every person so recommended is capable of functioning independently



as a member of the National Road Safety Authority, where such independence means the ability to maintain and exercise independent judgment in discharge of his duties.

(8) The Central Government shall appoint the Chairperson and the members of the National Road Safety Authority, within a period of one month from the date of recommendation of the selection committee.

**69.** (1) Before appointing any person as the Chairperson or member, the Central Government shall satisfy itself that the person does not have any financial or other interest as is likely to affect prejudicially to function as a Chairperson or a member.

Conditions of service of Chairperson and members.

(2) The salary and allowances payable to and other terms and conditions of service of the Chairperson and the members, shall be such as may be prescribed.

(3) The terms and conditions of service of the Chairperson and the members shall not be varied to their disadvantage after appointment.

**70.** (1) The Chairperson or any member may, by notice in writing under his hand addressed to the Prime Minister resign his office.

Resignation and Removal of Chairperson and members.

(2) The Central Government may, by order, remove from office the Chairperson or any other member of the National Road Safety Authority if such person has,—

(a) been adjudged as an insolvent; or

(b) been convicted of an offence which, in the opinion of Central Government, involves moral turpitude; or

(c) become physically or mentally incapable of discharging his duties; or

(d) acquired such financial or other interests as is likely to affect prejudicially his functions; or

(e) so abused his position so as to render his continuation in office prejudicial to the public interest.

(3) No member shall be removed under clauses (d) or (e) of sub-section (1) unless such person has been given a reasonable opportunity of being heard in the matter.

**71.** No member of the National Road Safety Authority shall, for a period of two years from the date on which he ceases to hold office, directly or indirectly, for his own account or an agent, administrator, officer, director, retainer, member of the executive body or shareholder or equity owner of any other person, conduct any activity within the jurisdiction of the National Road Safety Authority under this Act:

Restrictions on employment.

Provided that this section shall not apply when a member of the National Road Safety Authority is appointed as a member of the State Road Safety Authority.

**72.** (1) The National Road Safety Authority shall have the power to determine the number, nature and categories of officers and employees required by it to discharge its functions.

Officers and employees of the National Road Safety Authority.

(2) The salaries and allowances payable to and other terms and conditions of service of the officers and employees shall be such as may be specified by regulations by the National Road Safety Authority.

**73.** The Chairperson and a member of the National Road Safety Authority shall hold office for a term of three years from the date on which he enters upon his office or until he attains the age of sixty five years, whichever is earlier and shall be eligible for reappointment.

Term of office of Chairperson and members.

**74.** (1) In the event of the occurrence of any vacancy in the office of the Chairperson by reason of his death, resignation or otherwise, the Central Government may, by notification, authorize one of the members to act as the Chairperson until the appointment of a new Chairperson to fill such vacancy.

Member to act as Chairperson or to Discharge his Functions in Certain Circumstances.

(2) When the Chairperson is unable to discharge his functions owing to absence on leave or otherwise, one of the members as the Central Government may, by notification, authorize in this behalf, shall discharge the functions of the Chairpersons until the date on which the Chairperson resumes his duties.

Vacancies,  
etc., not to  
Invalidate the  
Proceedings  
of the  
Authority.

**75.** No act or proceedings of the Authority shall be questioned or invalidated merely on the ground of existence of any vacancy or defect in the constitution of the Authority.

Objectives  
and Functions  
of the  
National Road  
Safety  
Authority.

**76. (1)** The National Road Safety Authority shall have the overall objective of eliminating practices that are adverse to transportation safety, road safety, and innovation and adoption of new technology.

(2) The objective of the National Road Safety Authority shall be reviewed and ratified every five years by the Parliament.

(3) In pursuit of the objective under sub-section (1), the National Road Safety Authority shall:—

- (a) formulate standards for road safety, road infrastructure and control of traffic;
- (b) provide for safe and sustainable utilization of road transport ecosystem;
- (c) prescribed annual performance target; and
- (d) provide measures for the safety of vulnerable road users.

(4) The National Road Safety Authority shall function as an economic regulator for the purposes of developing a framework to guide the determination of costs of safety equipments to be installed in motor vehicles.

(5) While developing the framework under sub-section (4) the National Road Safety Authority shall be guided by—

- (a) the recognition that the promotion of safety of road users is of paramount importance;
- (b) the general principles identified for the administration of this Act under section 4;
- (c) the commercial principles governing the manufacture and installation of safety equipments including that the costs be commensurate with the services being provided;
- (d) the requirement to encourage competition, innovation, efficiency, and economic use of resources;
- (e) the need that prescribed safety equipments should be correlated with the anticipated safety outcomes and should be technology neutral; and
- (f) the requirement to safeguard consumer interest and ensure equity.

Regulations  
and other  
functions of  
the National  
Road Safety  
Authority.

**77. (1)** The National Road Safety Authority may, by regulations, *inter alia*, specify the following:—

- (a) the standards for the design, construction, operation and maintenance of motor vehicles, parts of motor vehicles, trailers, semi-trailers, mobile machinery, including—
  - (i) safety standards and minimum requirements for such design, construction and maintenance for promoting safety of the occupants and other road users;

(ii) safety standards and minimum requirements for such design, construction and maintenance for protection of environment; and

(iii) conditions for safe usage of such vehicles with regard to occupants of the motor vehicle, other road users, and persons and property near roads, including for motor vehicles independent of body, trailer, mobile machinery or as a whole.

(b) the standards for the design and construction of passenger transport vehicles for promoting the safety and comfort of the passengers and drivers of such vehicles, including for the bus body.

*Explanation.*—For the purpose of this sub-section 'bus body' means the portion of a passenger transport vehicle that encloses such vehicle's occupant space, exclusive of the bumpers, the chassis frame, and any structure forward of the last point of the windshield mounting.

(c) the standards for the design and construction of the truck body of goods transport vehicles for promoting the safety and comfort of the drivers as well as occupants of such vehicles and the safe carriage of the goods by such vehicles.

*Explanation.*—For the purpose of this section the 'truck body' means the portion of the goods transport vehicle that encloses such vehicle's occupant space and space for the carriage of goods, exclusive of the bumpers, the chassis frame, and any structure forward of the forward most point of the windshield mounting;

(d) the standards and procedures for the tests of competence for issuance of licences;

(e) the conduct of safety and performance audits to monitor compliance with the standards anywhere in the country as may be specified by the National Road Safety Authority;

(f) the creation, maintenance and sharing of a standard, national, uniform database for collecting and managing data including data relating to licences, registrations, insurance, permits, road crashes, offences and penalties;

(g) the procedure and the enforcement of quality control in relation to any aspect of transport and road safety and fuel quality as specified under this Act;

(h) the methods of data collection, analysis and exchange of information among enforcement authorities engaged in road safety;

(i) the evaluation of enforcement and administration of this Act;

(j) the accreditation of assessors for safety audits, inspections and ratings;

(k) guidelines relating to safety features for non-motorized transport and for safe operating conditions for such transport;

(l) catering for the special requirements of vulnerable road users such as children, senior citizens, differently-abled persons, non-motorized transport and pedestrians relating to road safety and traffic management;

(m) catering for the safety and security of people travelling by road transport, especially women, children and senior citizens;

(n) guidelines for and enabling electronic payment of fines and any other payments;

(o) guidelines for the design, construction operation and maintenance of roads to ensure safety of road users;

(p) guidelines for the management of traffic on roads, including the schemes for segregation of various classes of road users and their right of way;

(q) the electronic collection and dissemination of information related to restricted roads, no entries, one ways, restricted entry and time-zones for various classes of vehicles;

(r) guidelines for crash investigation procedure and training of enforcement agencies;

(s) guidelines for creation of child safety zones;

(t) the standards for technology deployed in pursuance of this Act; and

(u) any other matters which are necessary to fulfil its functions under this Act.

(2) In addition, the National Road Safety Authority shall—

(a) provide technical advice and assistance to the Central Government, and advise the Central Government and the State Governments on administration of the provisions relating to safety as contained in this Act;

(b) advise the State Government, urban local bodies, municipalities, panchayati raj institutions on matters relating to or arising out of traffic management on roads and the use of motor vehicles for the purposes of ensuring road safety;

(c) make regulations specifying guidelines for establishing and operating trauma facilities and para- medical facilities for dealing with traffic related injuries on roads and highways;

(d) make regulations specifying guidelines for building capacity and skills in traffic police, hospitals, highway authorities, educational and research organizations and other organizations dealing with road safety and traffic management;

(e) promote relevant practices in road safety and traffic management, undertake road safety and traffic education programmes, and conduct campaigns to create awareness amongst all sections of road users;

(f) involve interest groups and non-government organization working in the area of road safety and traffic management, and assist them in promotion of efficient traffic management and road safety practices;

(g) establish a network of organizations with the aim to facilitate a technical cooperation framework by the co-ordination of activities, the exchange of information, the development and implementation of joint projects, the exchange of expertise and best practices in the fields within the purview of the National Road Safety Authority;

(h) co-ordinate with other agencies such as education boards and institutions, health services and non-governmental organizations in matters relating to road safety and traffic management;

(i) contribute to the development of international technical standards for motor vehicles and roads;

(j) promote co-ordination of work on motor vehicles and road standards undertaken by international governmental and non-governmental organizations;

(k) promote consistency between international technical standards and domestic standards while ensuring that the level of safety adopted in the country is not compromised; and

(l) specify the process or methodology for the crash testing of vehicles.

(3) For the purpose of performing its regulatory and other functions under this Act, the National Road Safety Authority shall conduct research, by way of collecting data, and performing such analysis as may be relevant and necessary, and this may include—

(a) conducting or causing to be conducted research in different spheres of road safety and traffic management and publishing its findings;

(b) establishing procedures and centres for multi-disciplinary crash investigation;

(c) establishing the procedure and methodology for data collection, transmission and analysis at appropriate levels, and defining the role of different agencies involved in the process;

(d) collecting and storing data from any central or state agency or body or other institution with respect to road safety and traffic information;

(e) identifying areas or traffic congestion and crash prone zones on National and State highways, rural and city roads and plans to mitigate the identified problems in a time-bound manner; and

(f) any other measures necessary for the purpose of giving effect to the purposes of this Act.

(4) The National Road Safety Authority shall make it public without undue delay—

(a) the opinions of the Technical Working Groups, including all representations made to it by external experts, and at public hearings;

(b) the annual declarations of interest made by the Chairperson, members of the National Road Safety Authority and members of the Technical Working Groups, including declarations of interest, if any, made in relation to items on the agenda of meetings;

(c) the results of its technical studies; and

(d) the annual report of its activities.

**78.** (1) The Chairpersons and the members of the National Road Safety Authority shall, in addition to attending office regularly meet at least once a month, and at such times and places, and shall observe such rules of procedure in regard to the transaction of business at its meetings, including quorum at such meetings and procedure for such meetings, as may be prescribed.

Proceedings  
of the  
National  
Road Safety  
Authority.

(2) The Patron shall be free to attend and participate in any meeting or consultation or event of the National Road Safety Authority, Technical Working Groups or all or any other bodies or groups or advisory team established by the National Road Safety Authority for the purposes of this Act.

(3) The Chairperson shall ordinarily preside over meetings of the National Road Safety Authority unless the Patron is attending the said meeting in which case the Patron shall preside over such meetings.

(4) If the Chairperson is unable to attend a meeting of the National Road Safety Authority, the Chairperson may authorise any other member to preside over the meeting.

(5) The Chairperson and members must, at all times, act in good faith, and use diligence in the discharge of their duties.

(6) The Chairperson or any member who has any direct or indirect interest in any matter coming up for consideration at a meeting of the National Road Safety Authority shall, disclose the nature of interest to the National Road Safety Authority.

(7) A disclosure made by the Chairperson or a member will be recorded in the proceedings of the meeting, and the Chairperson or such member shall recuse from any deliberation or decision of the National Road Safety Authority with respect to that matter or any matter connected therewith:

Provided that if the Chairperson has to recuse himself from a proceeding of the National Road Safety Authority, the Patron shall designate a member of the Authority to discharge the functions of the Chairperson for that matter.

(8) All orders and decisions of the National Road Safety Authority shall be authenticated by the Chairperson.

Process for  
making  
regulations.

**79.** (1) If the National Road Safety Authority proposes to make any regulation, it shall publish a draft of the proposed regulations for inviting public expression.

(2) Every draft of a proposed regulation which is published under this section shall be accompanied by a statement setting out:—

(a) the objectives of the proposed regulations;

(b) how the draft regulations fulfil the particular provision of this Act under which the regulations are made;

(c) a regulatory impact analysis of the proposed regulations and a cost-benefit analysis where feasible;

(d) the process by which any person may make a representation in relation to the proposed regulations;

(e) the implications of any regulations applied with retrospective effect; and

(f) the implementation schedule for any regulations, which shall be determined after due consultation with all stakeholders including consumers and industry.

(3) Before finalizing the draft of any regulation, the National Road Safety Authority shall consider every representation made to it in accordance with clause (d) of sub-section (2):

Provided that the decision of the National Road Safety Authority shall be final whether or not it had considered any representations made to it.

(4) While finalising the regulations, the National Road Safety Authority shall approve that the regulations which are consistent with the Act and shall publish:—

(a) all the representations received under clause (d) of section (2); and

(b) unless specified otherwise, at least a general account of the response to the representations.

(5) If the notified regulations substantially differ from the proposed regulations published by the National Road Safety Authority under sub-section (1), in addition, to complying with sub-section (4), it must publish the details and reasons for such change.

(6) When carrying out a cost-benefit analysis for the purposes of this section, the National Road Safety Authority must consider the probable costs that will be borne by:—

(a) the persons required to comply with the regulations;

(b) road users, both directly and indirectly;

(c) the National Road Safety Authority in enforcing the regulations; and

(d) any other persons affected by the regulations.

(7) The National Road Safety Authority shall consider the probable benefits that may accrue to road users and other persons as a result of the regulations.

(8) The National Road Safety Authority may, use the best available data and where such data is not available, reasonable estimates to carry out the analysis.

Emergency  
regulation  
making.

**80.** (1) The National Road Safety Authority may dispense with the procedure under section 17, if the time taken to comply with it has the potential to cause considerable harm or losses for the persons likely to be affected by such regulations.

(2) If the National Road Safety Authority makes regulations under this section, it shall:—

(i) publish the reasons for invoking this section; and



(ii) submit a report to the Central Government within one week of invoking this section.

(3) Unless the Central Government communicates its approval in writing within thirty days to the National Road Safety Authority, the regulations made under this section will cease to have effect after a period of one hundred and eighty days from the date on which the regulations are notified by the National Road Safety Authority:

Provided that where the approval of the Central Government is not received in writing, the regulations made under this section will continue to have effect beyond the period of one hundred and eighty days, if the National Road Safety Authority completes the procedure under section 17 of this Act within the hundred and eighty day period specified in this section.

**81.** (1) The Chairperson shall be the legal representative of the National Road Safety Authority and shall be responsible for—

Functions of  
the  
Chairperson.

(a) the day-to-day administration of the National Road Safety Authority;

(b) drawing up proposals for the work programmes including prioritisation of work of the National Road Safety Authority;

(c) implementing the work programmes and the decisions adopted by the National Road Safety Authority;

(d) ensuring the provision of appropriate technical and administrative support for the Technical Working Groups;

(e) ensuring that the National Road Safety Authority carries out its tasks in accordance with the requirements of its stakeholders, in particular with regard to the adequacy of the services it provides and the time taken to provide such services;

(f) preparation of the statement of revenue and expenditure and the execution of the budget of the National Road Safety Authority;

(g) identifying potential risks for the transport ecosystem in India, particularly with respect to road and transport safety;

(h) pooling of knowledge;

(i) ensuring close cooperation between the National Road Safety Authority and the enforcement agencies and organizations operating in the field of transport, roads and motor vehicles;

(j) engaging with the Central Government, and for ensuring a regular dialogue with the Technical Working Groups; and

(k) reporting to the Patron on any matter relating to the National Road Safety Authority as may be required by the Patron.

(2) Every year, the Chairperson shall submit for adoption, by way of an annual review meeting, to all the members of the National Road Safety Authority:—

(a) programmes of work;

(b) the annual accounts for the previous year;

(c) the budget for the coming year;

(d) action taken report or response to instructions of the members of the National Road Safety Authority; and

(e) a general report covering all the activities of the National Road Safety Authority in the previous year.

(3) The Chairperson shall, while following adoption under sub-section (2), forward a copy of general report and the programs to the Central Government and the State Governments and shall also publish for information to general public.

(4) The Chairperson shall approve all financial expenditure of the National Road Safety Authority and report its activities to the Central Government.

(5) The Chairperson shall have administrative control over the officers and other employees of the National Road Safety Authority.

Technical  
Working  
Groups.

**82.** (1) The National Road Safety Authority shall constitute Technical Working Groups, consisting of independent technical experts to maintain and exercise independent judgment in the discharge of duties.

(2) Each Technical Working Group constituted under this section shall be headed by a member of the National Road Safety Authority designated by the Chairperson in consultation with the Central Government, considering such member's special knowledge and field of professional experience and any declarations of interest made by members from time to time.

(3) The Technical working Group shall invite the relevant industry and consumer representatives to its deliberations.

(4) Without prejudice to the generality of sub-section (1), the National Road Safety Authority may establish such number of Technical Working Groups as it considers necessary on the following matters—

- (a) roads standards;
- (b) traffic management;
- (c) testing standards for offences including drink-driving, and over-speeding;
- (d) technology and enforcement;
- (e) transport infrastructure and safety;
- (f) crash Investigation and Forensics;
- (g) data Collection and Analytics.

(5) the National Road Safety Authority may from time to time re-constitute the Technical Working Groups by adding new members or by replacing the existing members or by changing the name of the Group as the case may be.

(6) The administrative, financial and research support for the Technical Working Groups shall be provided by the National Road Safety Authority.

Procedure for  
appointing  
Technical  
Working  
Groups.

**83.** (1) The National Road Safety Authority shall appoint the members of all Technical Working Groups for a period of three years.

(2) The National Road Safety Authority shall, for the purpose of appointing of Technical Working Groups under sub-section (1), invite applications by publishing the details in leading international technical publications and by posting the details on its official website.

(3) The mode and manner of operation of Technical Working Groups as well as coordination between the various Technical Working Groups shall be specified by regulations made by the National Road Safety Authority.

(4) The regulations made under sub-section (2) shall relate in particular to:

- (a) the number of times that a member can serve consecutively on a Technical Working Group;
- (b) the number of members in each Technical Working Group;
- (c) the procedure to reimburse the expenses of members of the Technical Working Group;



(d) the manner in which tasks and requests for technical opinions are assigned to the Technical Working Groups;

(e) the creation and organization of the body of the Technical Working Groups, and the mode and manner of involvement and engagement of external experts being included in the Technical Working Groups;

(f) the possibility, mode and manner of inviting observers to attend the meetings of the Technical Working Groups;

(g) the possibility, mode and manner of organising public hearings;

(h) the conduct of meetings, including provision for meetings, to be held without the physical presence of a member of a Technical Working Group; and

(i) the quorum of the meeting, notice and agenda of the meeting and such other matters.

**84.** The National Road Safety Authority shall have the power to delegate all or any power or function that has been conferred upon it by this Act to any person or group of persons barring such exceptions as may be provided for in this Act:

Delegation of Powers of the National Road Safety Authority.

Provided that the National Road Safety Authority shall not delegate its power to make regulations under this Act.

**85. (1)** The Central Government shall, by notification in the official Gazette, constitute a National Road Crash Victim Compensation Fund to which the following shall be credited:—

Constitution of National Road Crash Victim Compensation Fund.

(a) any grants and loans made to the National Road Safety Authority by the Central Government;

(b) notwithstanding anything contained in any other law, a proportion of the insurance premiums or a road safety cess on such insurance premiums collected in the country, apportioned under this Act, as prescribed; and

(c) all sums received by the National Road Safety Authority from such other sources as may be prescribed.

(2) The Fund shall be utilized for providing immediate interim relief, medical treatment and rehabilitation to road accident victims in the territory of India:

Provided that the following persons shall be eligible to claim compensation from the Fund:

(a) a person who has been grievously hurt in a road accident till such time as the person may be stabilized;

(b) one or more legal representatives of a person who died in a road accident that was not caused by the deceased on whose behalf the claim is being made and/or for those road accidents where no person can be held liable;

(c) a person grievously hurt in a road accident where no fault can be fixed upon either that person or on any other person involved in the accident; and

(d) any other person as the National Road Safety Authority may specify by regulations.

(3) The maximum amount of compensation made available by the Fund in any case shall be such as may be specified by the National Road Safety Authority.

(4) In all cases specified under sub-section (3), when the claim of such person becomes payable, then the National Road Safety Authority Fund is entitled to recover from the insurer the amount equivalent to such compensation received by such person.

Central Government to provide requisite sums.

**86.** The Central Government shall, after due appropriation made by Parliament by law in this behalf, provide requisite sum to the National Road Safety Authority for carrying out the provisions of this Act.

Maintenance of Accounts.

**87. (1)** The National Road Safety Authority shall maintain proper accounts and other relevant records and prepare an annual statement of accounts in such form as may be prescribed by the Central Government in consultation with the Comptroller and Auditor General of India.

(2) The Comptroller and Auditor General of India shall audit the accounts of the National Road Safety Authority, and specify the intervals at which such audits may be conducted, and any expenditure incurred in connection with such audit shall be payable by the National Road Safety Authority to the Comptroller and Auditor General of India.

(3) The Comptroller and Auditor General of India may appoint any person in connection with the audit under sub-section (2) and such person shall have the same rights and privileges and authority in connection with the audit as the Comptroller and Auditor General of India generally has in connection with the audit of Government accounts and, in particular, shall have the right to demand the production of books of accounts and other documents and papers and to inspect any of the offices of the National Road Safety Authority.

(4) The accounts of the National Road Safety Authority, as certified by the Comptroller and Auditor General of India or any other person appointed in this behalf, together with the audit report thereon, shall be forwarded annually to the Central Government and the Government shall cause the same to be laid, as soon as it is received, before each House of Parliament.

Budget.

**88.** The National Road Safety Authority shall prepare, in such form and at such time in each financial year as may be prescribed, by rules made by the Central Government, the budget for the next financial year, showing the estimated expenditure of the National Road Safety Authority and forward the same to the Central Government.

Annual and Special Reports.

**89. (1)** The National Road Safety Authority shall submit an annual report to the Central Government and may at any time submit special reports on any matter which, in its opinion, if of such urgency or importance that it shall not be deferred till submission of the annual report.

(2) The Central Government shall cause the annual and special reports of the Authority to be laid before each house of Parliament, along with a memorandum of action taken or proposed to be taken on the recommendations of the Authority, and the reasons for non-acceptance of the recommendations, if any.

## CHAPTER V

### STATE ROAD SAFETY AUTHORITY

Constitution of State Road Safety Authority.

**90. (1)** Every State Government shall, within six months of commencement of this Act, by notification establish an authority to be called as the State Road Safety Authority to exercise the powers conferred on, and to perform the function assigned to under this Act.

(2) The State Authority shall be a body corporate with the name aforesaid having perpetual succession and a common seal with the power, subject to the provisions of this Act to acquire, hold and dispose of property and to contract, and may, by the aforesaid name, sue or be sued.

(3) The State Government shall designate appropriate agencies to function under the direction of the National Road Safety Authority or the State Road Safety Authority, as the case may be.

Composition of State Road Safety Authority.

**91. (1)** The State Road Safety Authority shall consist of:—

(a) a Chairperson, who shall have the rank of Secretary to the Government of India or Chief Secretary to the State Government; and

(b) two members who shall have rank of Additional Secretary to the Government of India or Principal Secretary to the State Government.

(2) A member of the State Road Safety Authority, not being the Chairperson, shall be a person of ability, integrity and standing and with special knowledge of, or professional experience in either one or more subjects of economics, transport, urban planning, law, traffic management and regulation, medical sciences and trauma care, crash investigation and forensics, air pollution, road safety, insurance, motor vehicles, civil engineering, which, in the opinion of the State Government, will be useful for the State Road Safety Authority to render its functions and fulfill its objectives under this Act.

(3) All members of the State Road Safety Authority shall be whole-time members.

(4) The members of the State Road Safety Authority shall be appointed in such manner so as to secure the highest standards of professional competence and a range of relevant expertise in order to effectively discharge the duties and functions of the State Road Safety Authority under the Act.

(5) The head office of the State Road Safety Authority shall be at such place as the State Government may, by notification, specify.

**92.** (1) The Chairperson and the members of the State Road Safety Authority shall be appointed by the State Government from a panel of persons recommended by a selection committee established under sub-section (2).

Appointment  
of  
Chairperson  
and other  
Members.

(2) The selection committee shall consist of:—

(a) the Chief Secretary to the State Government, as the Chairperson;

(b) the Secretary in the Ministry of Road Transport and Highways of the State Government, as a member;

(c) three experts of repute with special knowledge of, or professional experience in either one or more subjects of economics, transport, urban planning, law, traffic management and regulation, medical sciences and trauma care, crash investigation and forensics, air pollution, road safety, insurance, motor vehicles, automotive engineering, civil engineering as members.

(3) The term of the selection committee and the manner of selection of the panel of persons shall be such as may be prescribed.

(4) The State Government shall make a reference to the selection committee for filling up a vacancy in the State Road Safety Authority:—

(a) within one month from the date of occurrence of a vacancy by reason of death, resignation or removal of the Chairperson or a member of the State Road Safety Authority; or

(b) three months before the superannuation or completion of the term of office of the Chairperson or a member of the State Road Safety Authority.

(5) For every vacancy referred to the selection committee, the committee shall make such recommendations within two months from the date on which reference is made to it:

Provided that member of the selection committee shall not be eligible to be considered for appointment as the Chairperson or a member of the State Road Safety Authority for a period of two years from the date on which he ceases to be a member of the selection committee.

(6) Before making any recommendations under sub-section (5), the selection committee shall satisfy itself that every person so recommended is capable of functioning independently as a member of the State Road Safety Authority, where such independence means the ability to maintain and exercise independent judgment in discharge of his duties.

(7) The State Government shall appoint the Chairperson and the members of the State Road Safety Authority within a period of one month from the date of the recommendation of the selection committee.

Conditions of Service of Chairperson and Members.

**93.** (1) Before appointing any person as the Chairperson or member, the State Government shall satisfy itself that the person does not have any financial or other interest as is likely to affect prejudicially to function as a member.

(2) The salary and allowances payable to and other terms and conditions of service of the Chairperson and the members, shall be such as may be prescribed.

(3) The terms and conditions of service of the Chairperson and the members shall not be varied to their disadvantage after appointment.

Resignation and Removal of Chairperson and members.

**94.** (1) The Chairperson or any member may, by notice in writing under his hand addressed to the Chief Minister of the State, resign his office.

(2) The Chairperson or a member of the State Road Safety Authority, after giving notice under this section, will continue to hold office until the State Government appoint a person to the office vacated or after the expiry of three months from the date of notice, whichever is earlier.

(3) The State Government may, by order, remove from office the Chairperson or any other member of the State Road Safety authority if such person has,—

(a) been adjudged as an insolvent; or

(b) been convicted of an offence which, in the opinion of State Government, involves moral turpitude; or

(c) become physically or mentally incapable of discharging his duties; or

(d) acquired such financial or other interests as is likely to affect prejudicially his functions; or

(e) so abused his position as to render his continuation in office prejudicial to the public interest.

(4) No Member shall be removed under clauses (d) or (e) of sub-Section (1) unless such person has been given a reasonable opportunity of being heard in the matter.

Restrictions on employment.

**95.** No member of the State Road Safety Authority shall, for a period of two years from the date on which he ceases to hold office, directly or indirectly, for his own account or as an agent, administrator, officer, director, retainer, member of the executive body or shareholder or equity owner of any other person, conduct any activity within the jurisdiction of the National Road Safety Authority or the State Road Safety Authority:

Provided that this section shall not apply when a member of the State Road Safety Authority is appointed as a member of the National Road Safety Authority.

Officers and employees of the State Road Safety Authority.

**96.** (1) The State Road Safety Authority shall have the power to determine the number, nature and categories of officers and employees required by it to discharge its functions.

(2) The salaries and allowances payable to and other term and conditions of service of the officers and employees shall be such as may be specified by regulations by the State Road Safety Authority.

Term of office of Chairperson and Members.

**97.** The Chairperson and members of the State Road Safety Authority shall hold office for a term of three years from the date on which they enter upon their office or until they attain the age of sixty-five years, whichever is earlier and shall be eligible for re-appointment.

Member to act as Chairperson or to discharge his functions in certain circumstances.

**98.** (1) In the event of the occurrence of any vacancy in the office of the Chairperson by reason of his death, resignation or otherwise, the State Government may, by notification, authorize one of the members to act as the Chairperson until the appointment of a new Chairperson to fill such vacancy.

(2) When the Chairperson is unable to discharge his functions owing to absence on leave or otherwise, one of the members as the State Government may, by notification, authorize in this behalf, shall discharge the functions of the Chairperson until the date on which the Chairperson resumes his duties.

**99.** No act or proceedings of the State Road Transport Authority shall be questioned or shall be invalidated merely on the ground of existence of any vacancy or defect in the constitution of the Authority.

Vacancies,  
etc. not to  
Invalidate the  
Proceedings  
of the  
Authority.

**100.** (1) The State Road Safety Authority shall perform functions in accordance with this Act and in accordance with any directions that may be issued by the National Road Safety Authority in this regard.

Functions of  
State Road  
Safety  
Authority.

(2) Without prejudice to the generality of the forgoing provision, the State Road Safety Authority shall:—

(a) coordinate and direct the activities of the implementation agencies notified by the State Government for implementation of this Act consistent with any regulations, guidelines, recommendations or directions made by the National Road Safety Authority; and

(b) collect and store data in accordance with rules and regulations specified by the National Road Safety Authority in this regard.

(3) For the purpose of exercising and discharging the powers and functions specified, State Road Safety Authority may, subject to such conditions as may be specified by the National Road Safety Authority, issue recommendations to any implementation agencies notified by the State Government and such implementation agency shall, in the discharge of its functions under this Act, give effect to and be bound by such recommendations or directions.

**101.** (1) The National Road Safety Authority shall exercise the powers and perform the functions of a State Road Safety Authority in relation to:—

National  
Road Safety  
Authority to  
perform  
functions in  
certain cases.

(a) a Union territory; and

(b) a State having no State Road Safety Authority.

(2) For the purpose of sub-section (1), the National Road Safety Authority may delegate all or any of its powers or functions that have been conferred upon it by this Act to any person or group of persons as the regulations may specify:

Provided that the National Road Safety Authority shall not delegate its power to make regulations under this Act.

**102.** The National Road Safety Authority shall, for the purpose of exercising and discharge of its functions specified under section 17, subject to such conditions as may be prescribed, issue directions to any State Road Safety Authority, and State Road Safety Authority shall, in the discharge of its functions under this Act, give effect to such directions.

Power of  
National  
Road Safety  
Authority to  
issue  
directions.

**103.** (1) With effect from such date as each State Government shall, by notification in the Official Gazette, appoint in this behalf, there shall be constituted for the purposes of this Act, a Fund to be called as State Road Safety Fund.

Constitution  
of State Road  
Safety Fund.

(2) A State Government may also credit to the State Road Safety Fund:—

(a) any grants and loans made to the State Road Safety Authority by the State Government;

(b) a proportion of the insurance premium or a road safety cess on such insurance premium as prescribed by the State Government; and

(c) all sums received by the State Road Safety Authority from such other sources as may be prescribed.

(3) The Fund shall be utilized for making payment towards the preparation and implementation of the State Road Safety Improvement Plan.

Maintenance  
of Accounts.

**104.** (1) The State Road Safety Authority shall maintain proper accounts and other relevant records and prepare an annual statement of accounts in such form as may be prescribed by the State Government in consultation with the Comptroller and Auditor-General of India.

(2) The Comptroller and Auditor-General of India shall audit the accounts of the State Road Safety Authority, and specify the intervals at which such audits shall be conducted, and any expenditure incurred in connection with such audit shall be payable by the State Road Safety Authority to the Comptroller and Auditor-General of India.

(3) The Comptroller and Auditor-General of India may appoint any person in connection with the audit under sub-section (2) and such person shall have the same rights and privileges and authority in connection with the audit as the Comptroller and Auditor-General of India generally has in connection with the audit of Government accounts and, in particular, shall have the right to demand the production of books of accounts and other documents and papers and to inspect any of the offices of the State Road Safety Authority.

(4) The accounts of the State Road Safety Authority, as certified by the Comptroller and Auditor-General of India or any other person appointed in this behalf, together with the audit report thereon, shall be forwarded annually to the respective State Government and that Government shall cause the same to be laid, as soon as it is received, before each House of Legislature of that State.

Budget.

**105.** The State Road Safety Authority shall prepare, in such form and at such time in each financial year as may be prescribed, by rules made by the State Government, the budget for the next financial year, showing the estimated expenditure of the State Road Safety Authority and forward the same to the State Government.

Annual and  
Special  
Reports.

**106.** (1) The State Road Safety Authority shall submit an annual report to the State Government and may at any time submit special reports on any matter which, in its opinion, is of such urgency or importance that it should not be deferred till submission of the annual report.

(2) The State Government shall cause the annual and special reports of the Authority to be laid before each House of Legislature of that State, along with a memorandum of action taken or proposed to be taken on the recommendations of the Authority, and the reasons for non-acceptance of the recommendations, if any.

## CHAPTER VI

### MISCELLANEOUS

Act to have  
overriding  
effect.

**107.** Save as otherwise provided, the provisions of this Act shall have effect, notwithstanding anything inconsistent therewith contained in any other law for the time being in force or in any instrument having effect by virtue of any law other than this Act.

Application  
of certain  
laws.

**108.** The provisions of this Act shall be in addition to the provisions of the Motor Vehicles Act, 1988.

Power of  
Central  
Government  
to make rules.

**109.** (1) The Central Government may, by notification in the Official Gazette, make rules for the purpose of carrying out the purposes of this Act.

(2) Every rule made by the Central Government and every regulation made by the Board, under this Act, shall be laid, as soon as may be after it is made, before each House or Parliament while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session



immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or regulation or both Houses agree that the rule or regulation should not be made, the rule or regulation shall thereafter have effect only in such modified form or be of no effect as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or regulation.

**110.** (1) If any difficulty arises in giving effect to any of the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act, as it may deem necessary for removing the difficulty:

Power to  
remove  
difficulties.

Provided that no order shall be made under this section after the expiry of two years from the date of commencement of this Act.

#### SCHEDULE I

##### SCHEME OF PENALTY POINTS FOR DRIVERS

##### 1. Penalty Point System

Section Points	Offences	Penalty
12, 13	Offences relating to protective headgear	2
12, 13, 15, 16, 17	Offences relating to conspicuity	1
19	Failing to restrict the number of people on motor cycles	2
21	Offences relating to seat belts	2
22	Offences relating to the sitting of Children	2
29	Offence of driving at excessive speed	1. for 1st offence and if exceeding the speed limit by more than 5 kmph but less than 9 kmph 2. for 1st offence and if exceeding the speed limit by more than 9 kmph 3. for each subsequent offence
34	Driving which causes threat to 3 for 1st offence Public Safety	3 for 1st offence 4 for each subsequent offence
35	Driving under the influence of alcohol or drugs	3
40	Penalty for causing obstruction to free flow of 1 traffic	1
44	Violation of Traffic Signals and Traffic Signs	3
47	Using vehicles in unsafe condition	3
49	Offences relating to certain communication devices	2

Section Points	Offences	Penalty
50	General provision regarding penalties	1
53	Punishment for offences relating to crash	2
58	Disobedience of orders, obstruction and refusal of information	3

## **2. Award of penalty points**

(1) The enforcing authority or any person authorized in this behalf shall award penalty points corresponding to the specific offence to any person who commits an offence as provided under Schedule II. The penalty points shall be endorsed and their record shall be maintained in a manner as may be specified by the national authority.

(2) For the offences involving judicial proceedings and imprisonment, the court shall award penalty points in addition to the fine or imprisonment that may be imposed.

## **3. Duration of validity of penalty points**

Penalty points awarded for an offence shall remain on record for a period of 3 years from the date of award.

## **4. Suspension and Cancellation of License**

(1) At any point of time, if the cumulative total of the penalty points accrued by a driver crosses the limit of twelve (12) points, the driving license shall be suspended for the period of one year. On suspension of the driving license, the accrued penalty points shall cease to subsist.

(2) If a driver whose license has been suspended again accumulates twelve (12) points, that person's driving license shall be cancelled for a period of five years.

(3) If a person holding a learner's license accrues four (4) points, then that person's learner's license shall be cancelled. The person whose learner's license has been cancelled shall produce a certificate of driving as specified from recognized school or establishment when that person applies for fresh learner's license.



## SCHEDULE II

## SCHEME FOR LEVYING PENALTIES INCLUDING FINES, IMPRISONMENT AND IMPOUNDING OF VEHICLES

Section	Offence	Type of Vehicle or Offender	Repeat Offence	Penalties to be Imposed							Remarks
				Fine (INR)	Community Service	Imprisonment	Vehicle Impounding	Suspension/ Cancellation of licence or Permit	Refresher Training		
1	2	3	4	5	6	7	8	9	10	11	
10 (1)	Offences relating to driving licence— <b>Person holding a license attempts to hold other licence</b>		1	10,000	—	1 month	—	Cancellation of all existing licenses	—	Either penalty or both may be imposed.	
			11	10,000		1 month		Cancellation of all existing licenses			
10 (3)	Offences relating to driving licenses— <b>Person holding driving license holds any other driving licence</b>		1	10,000	—	1 month		Cancellation of all existing licenses	—	Either penalty or both may be imposed.	
			11	10,000		1 month		Cancellation of all existing licenses			
10 (4)	Offences relating to driving licenses— <b>Disqualified for holding or obtaining driving licenses</b>		1	10,000	—	3 months				Either penalty or both may be imposed.	
			11	10,000	—	3 months					
10 (5)	Offences relating to driving licenses—Not disclosing endorsement made		1	10,000		3 months					
			11	10,000	—	3 months					
12. 13	Offences relating to protective headgear			5,000						Per person	
12		Non-motorised transport		1,500							

1	2	3	4	5	6	7	8	9	10	11
13	Offences relating to conspicuity	Motor Cycles		2,500						Find to be paid by owner.
15		Three wheelers		2,500						
16		Light motor Vehicles		5,000						
17		Stationary Transport Vehicles		10,000						
21	Offences relating to seat belts			5,000						per person.
22	Offences relating to seating of children			5,000						per child.
25	Prohibition of parking or abandoning of motor vehicles at certain places		1 11	2,500 5,000						
26	Prohibition of driving in certain places		1 11	5,000 10,000			2 weeks	1 month licence suspension		
				2,500						Speeding by more than 5 kmph but less than 9 kmph.
		Motor Cycles	1	5,000						Speeding by more than 9 kmph but less than 19 kmph.
				10,000			1 months	1 month licence suspension	Yes	Speeding by more than 19 kmph.
29 (1)	Offence of driving at excessive speed		11	10,000			3 months	3 month licence suspension	Yes	

		3,500				Speeding by more than 5 kmph but less than 9 kmph.
	Light motor Vehicles	1	7,000			Speeding by more than 9 kmph but less than 19 kmph.
			15,000	1 month	1 month licence suspension	Yes
		11	25,000 10,000	3 months	3 month licence suspension	Yes
		1	15,000	2 months	2 month licence suspension	Yes
	Medium and Heavy Vehicles		25,000	3 months	Cancellation of licence for one year; Suspension of permit for 6 months	Yes
		11	50,000	6 months	Cancellation of licence for one year; Suspension of permit for 6 months	Speeding by more than 19 kmph.
29 (2)	Offence of driving at excessive speed—Providing instructions to drive at excessive speed					
32	Failure to yield right of way to emergency vehicles	1	5,000			Yes
		11	10,000			
	Non-motorised transport	1	500	15 hours		
		11	1,000	30 hours	One week	

1	2	3	4	5	6	7	8	9	10	11
34	Driving which causes threat to public safety— <b>Driving against the authorised flow of traffic</b>	Two-wheelers and three-wheelers	1	2,500		Three days	One week			Impounding to be imposed in addition to fine or imprisonment or both.
		Light motor vehicle	11	5,000		One week	Two weeks		Yes	Impounding to be imposed in addition to fine or imprisonment or both.
			1	5,000		One week	Two weeks			
		Medium and heavy motor vehicles	11	10,000		Two weeks	One month		Yes	
			1	10,000		Two weeks	One month		Yes	Impounding and training to be imposed in addition to fine or imprisonment or both.
34	Driving which causes threat to public safety— <b>Dangerous passing or overtaking</b>	All	11	20,000		One month	Two months		Yes	Either penalty or both may be imposed.
			1	2,500	15 hours	Three days				
			11	5,000	30 hours	One week			Yes	
34	Driving which causes threat to public safety— <b>Dangerous driving with children on board</b>	All	1	15,000		Fifteen days				Either penalty or both may be imposed.
			11	30,000		One month		Six months licence suspension	Yes	
34	Driving which causes threat to public safety— <b>Dangerous lane changing</b>	All	1	2,500						Yes
			11	5,000						

35 (2)	Prohibition on Driving under the influence of alcohol or drugs	Type I <sup>1</sup> driver	30,000	Twelve months which may extend to eighteen months	Eighteen months from the date of conviction, or date of sentencing or date of release.	Licence Suspension in addition to fine or imprisonment or both.
		Type II <sup>2</sup> driver	30,000	100 hours	Impound for one week Six months licence suspension from the date of conviction, or date of sentencing or date of release.	
		Type III <sup>2</sup> driver	10,000	Not more than six months	Six months licence suspension from the date of conviction, or date of sentencing or date of release.	Licence suspension in addition to fine or imprisonment or both.
		All drivers	Yes	Not more than two years	Permanent Cancellation of driving licence.	
35 (4)	Driving under the influence of alcohol or drugs—Drugs	All	15,000	Not more than three months	Six months licence suspension	
		11 (within three years)	30,000	Six months to one year	Thirty days licence suspension	

1	2	3	4	5	6	7	8	9	10	11
40	Penalty for causing obstruction to free flow of traffic, etc.	Motor Vehicles		1,000 per hour						
		Pedestrians		200						
41	Overloading	Two-wheelers		10,000						
		Light motor vehicles		25,000				Suspension for one month of permit granted under above sections		
		Medium motor vehicles		35,000						
		Heavy motor vehicles		50,000						
		All vehicles	Yes	50,000				Cancellation of permit granted under above sections		
41(2)	Overloading			50,000						Fine to be paid by the owner of a vehicle or the consignor
42 (2)	Powers regarding vehicles suspected of overloading—Refusal to submit vehicle for weighing after being directed to do so by a person authorised in this behalf.			35,000						
44	Violation of traffic signs	Non-motorised transport		1,000						
			I	5,000						
			II	10,000						
		All motor vehicles	III and beyond	15,000				One month licence suspension	Yes	

44 (6)	Violation of traffic sign—Stop signal or stop sign	Non-motorised transport All motor vehicles	500				Two weeks	Either or both penalties may be imposed.
46	Railroad crossing offences		1,000				Not more than two weeks	
			5,000					
47(1)	Using vehicle in unsafe condition	Two and/or Three wheelers	5,000				1 month	If bodily injury or damage to property is caused the fine is to be increased to Rs. 25,000
		Light Motor Vehicles	7,500				1 month	
		Medium and Heavy Motor Vehicles	10,000				2 months	
47(2)	Using vehicle in unsafe condition—	Two and/or I Three wheelers II	5,000				1 month	
	Violation of standards	Light Motor I	15,000				2 months	
	specified in relation to	Vehicles II	7,500				1 month	
	road safety, control	Medium and I	15,000				2 months	
	of noise and air pollution	Heavy Motor II	10,000				2 months	
		Vehicles	15,000				4 months	
47(3)	Using vehicle in unsafe condition—Driving of motor vehicle in violation of provisions and rules relating to the carriage of dangerous and hazardous goods	I	50,000				6 months	Either penalty or both may be imposed
		II	1 lakh				6 months which may extend to one year	
48	Failure to comply with standard for road design, construction and maintenance		10 lakh					Fine per person killed or disabled

1	2	3	4	5	6	7	8	9	10	11
49	Offences relating to certain communication devices		I II III and beyond	4,000 6,000 10,000 2,500					One month licence suspension	Yes
50	General Provision		II	5,000						
52	Driving uninsured vehicle	Two-wheelers Three-wheelers and Light motor vehicles Medium and Heavy motor vehicles		5,000 10,000 28,000						
53(1)	Punishment for offences relating to a crash			10,000					Two weeks licence suspension	Yes
53(2)	Causing death in certain circumstances			1 lakh 3 lakhs		Not less than five years Not less than seven years				Death of a Child.
54	Punishment for abetment of certain offences									Punishment under above sections to apply only to owner and consignor.
58 (1)	Disobedience of order			2,500						
58 (2)	Withholding of information or giving false information			5,000		One month				Either or both of the penalties to be imposed.



58 (3)	Causing injury or death of a person enforcing the Act	1 Lakh	Four years	For causing death
		1 Lakh	Two years	For causing injury

<sup>1</sup> Type 1 driver is a driver driving any of the following vehicles:—

- (a) Vehicles with children on board.
- (b) Educational institution bus.
- (c) Heavy Motor Vehicles.
- (d) Vehicles carrying dangerous or hazardous goods.
- (e) Chartered service vehicle.
- (f) Restricted chartered service vehicle.
- (g) Metered service vehicle.
- (h) Restricted metered service vehicle.
- (i) Scheduled service vehicle.
- (j) Restricted Scheduled Service vehicle.
- (k) Taxi

The allowable blood alcohol concentration for such drivers is less than 20.0 mg. of alcohol per 100 ml of blood.

<sup>2</sup> A driver who is not Type 1 driver and is—

- (a) Between the age of 18 to 30 years, or
- (b) Learner's license holder or recently disqualified drivers.

The allowable blood alcohol concentration for such drivers is less than 20.0 mg. of alcohol per 100 ml of blood.

## STATEMENT OF OBJECTS AND REASONS

In 2013 itself, 1.4 lakh people were killed and 4.7 lakh injured in road crashes in India. This trend is on the rise and this requires immediate legislative attention. The erstwhile Planning Commission had stated in its report that India loses 3% of GDP every year due to road crashes. However, the existing Motor Vehicles Act, 1988 does not address the issue of road safety in its entirety.

In *S. Rajaseekaran Vs Union of India*, 2014, the Hon'ble Supreme Court of India has also observed that Indian roads have proved to be giant killers demanding immediate attention and remedial action.

The draft legislation forwarded by the Government of India with regard to Road Safety diluted in comparison to the urgency of measures required. Thus, the National Road Transport Safety and Miscellaneous Provisions Bill, 2015 has tried to incorporate provisions for the establishment of both National and State Road Safety Authorities for promoting road safety measures and practices and for the monitoring and regulation of safety standards for all classes of road users. It also includes provisions for road safety and traffic management and a more stringent and efficient penalty system for people violating traffic rules.

The loss of innocent lives of the roads is easily avoidable and the proposed legislation seeks to initiate the process for safer and better road transport in the country.

Hence, this Bill.

NEW DELHI;  
*July* 08, 2015.

RABINDRA KUMAR JENA

#### FINANCIAL MEMORANDUM

Clause 67 of the Bill provides for the constitution of the National Road Safety Authority. Clause 69 provides for remuneration and facilities to the Chairperson and members of the National Road Safety Authority. Clause 85 provides for the constitution of National Road Crash Victim Compensation Fund. Clause 86 provides for Central Government to provide requisite sums to the National Road Safety Authority. Clause 90 provides for the constitution of the State Road Safety Authority. Clause 103 provides for constitution of State Road Safety Fund. The expenditure relating to constitution of State Road Safety Authority and State Road Safety Fund shall be borne by the respective State Governments.

The Bill, therefore, if enacted will involve expenditure from the Consolidated Fund of India. At this stage, it is not possible to quantify the funds that may involve but it is estimated that a sum of rupees five hundred crores may be involved as recurring expenditure per annum.

Non-recurring expenditure to the tune of rupees one hundred crore may also be involved for creating assets and infrastructure.

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#### MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 66 of the Bill empowers the National Road Safety Authority to amend the Schedules to the Act. Clause 77 empowers the National Road Safety Authority to make regulations for ensuring road safety. Clause 109 empowers the Central Government to make rules for carrying out the provisions of this Act. As the rules will relate to matters of detail only, the delegation of legislative power is of normal character.

## BILL NO. 232 OF 2015

*A Bill to provide for free medical treatment to cancer patients in Government hospitals.*

BE it enacted by Parliament in the Sixty-sixth Year of the Republic of India as follows:—

Short title,  
extent and  
commencement.

**1.** (1) This Act may be called the Cancer Patients (Free Medical Treatment), Bill, 2015.

(2) It extends to whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. In this Act, unless the context otherwise requires,—

Definitions.

(a) "appropriate Government" means in the case of a State, the Government of that State and in all other cases, the Central Government;

(b) "cancer patient" means a citizen of India who has been clinically diagnosed with any type of cancer or is under treatment of cancer; and

(c) "prescribed" means prescribed by rules made under this Act.

3. The appropriate Government shall provide free medical treatment to every cancer patient in Government hospitals, in such manner as may be prescribed.

Appropriate Government to provide free medical treatment to cancer patients.

*Explanation.*—For the purposes of this section, 'free medical treatment' includes supply of medicines, laboratory test, medical therapy and para medical products free of cost to a cancer patient.

4. The Central Government shall, after due appropriation made by Parliament by law in this behalf, provide adequate funds, from time to time, to the State Governments for the effective implementation of the provisions of this Act.

Central Government to provide adequate fund.

5. The provisions of this Act and rules made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force.

Act to have overriding effect.

6. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of the Act.

Power to make rules.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two more successive sessions, and if, before the expiry of the session immediately following the sessions, and if before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rules should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

## STATEMENT OF OBJECTS AND REASONS

Cancer is one of the chronic disease of the modern era. More people are dying of cancer than ever before. The disease in most of the cases is diagnosed in advance stage and leads to death of patient. However, in many cases, due to early detection of the ailment and medical advancement, the cancer patients have been cured and are leading normal lives. The battle against the cancer is very much taxing emotionally, physically and financially. Therefore, the need of the hour is that the State should play a more proactive role in the medical treatment of cancer patients especially by extending them a helping hand financially to confront the grave and traumatic disease.

Hence this Bill.

NEW DELHI;  
*July* 13, 2015.

P. KARUNAKARAN

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#### FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for free medical treatment to cancer patients. Clause 4 provides that Central Government shall provide adequate funds to the State Governments for purposes of the Bill. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that a sum of rupees one thousand crore would be involved as recurring expenditure per annum.

No non-recurring expenditure is likely to be incurred.

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#### MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 6 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

## BILL NO. 232 OF 2015

*A Bill to provide for special financial assistance to the National Capital Territory of Delhi for the purpose of implementation of development works relating to housing, water, sanitation, roads, schools, skill development and welfare schemes for women, children and poor people living in the urban villages and for matters connected therewith.*

BE it enacted by the Parliament in the Sixty-sixth Year of the Republic of India as follows:—

Short title and  
commencement.

1. (1) This Act may be called the Special Financial Assistance to the National Capital Territory of Delhi Act, 2015.

(2) It shall come into force on such a date, as the Central Government may, by notification in the Official Gazette, appoint.



2. There shall be paid such sums of money out of the Consolidated Fund of India, every year, as Parliament may by due appropriation by law provide, as special financial assistance to the National Capital Territory of Delhi to meet the costs of such development works and welfare schemes, as may be undertaken by the Government of the National Capital Territory of Delhi with the approval of Union Government, for the purpose of—

Special  
Financial  
assistance to  
National  
Capital  
Territory of  
Delhi.

- (i) improving the health and educational standards of the children especially girl child;
- (ii) providing employment to members of families living below poverty line;
- (iii) initiating welfare schemes aimed at improving the condition of labourers and migrants;
- (iv) undertaking measures for lowering infant mortality rate, improving maternal health and promoting institutional delivery;
- (v) providing water and sanitation facilities in urban villages;
- (vi) providing skill development training to unemployed youths;
- (vii) creating good quality infrastructure of roads, street lights, schools, colleges and transport;
- (viii) establishing community centres;
- (ix) establishing information centres and libraries;
- (x) preparing and creating awareness amongst people about disaster preparedness plan and training them to deal with disasters;
- (xi) imparting sex education; and
- (xii) implementing Swachch Bharat Abhiyan in urban villages.

3. The provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force.

Act not to be  
in derogation  
of other laws.

## STATEMENT OF OBJECTS AND REASONS

The urban villages of Delhi need financial assistance from the Central Government for successful completion of various development works and welfare schemes of the Central Government as well as the Delhi Government. Urban villages in Delhi are not much developed in comparison to the other areas in terms of infrastructure facilities like that of water, sanitation and other development indicators such as employment, per capita income, girl child education, etc. Due to unplanned expansion and construction in the existing abadi area of villages, these villages are susceptible to disasters. Many villages located alongside the stagnant waters of Yamuna leave the entire region susceptible to diseases such as malaria or dengue. Most of the construction in these village areas is unauthorized.

Special focus is also required for the overall well being of the girl child, reduction of infant and maternal mortality rate and welfare of labourers and migrants in urban villages of National Capital Territory of Delhi.

It is, therefore, necessary that the Central Government should provide special financial assistance to the National Capital Territory of Delhi.

Hence this Bill.

NEW DELHI;  
*July 22, 2015.*

MAHEISH GIRRI

## FINANCIAL MEMORANDUM

Clause 2 of the Bill provides that there shall be paid such sums of moneys out of the Consolidated Fund of India, every year, as Parliament may by due appropriation by law provide, as special financial assistance to the National Capital Territory of Delhi to meet the costs of such schemes of development, as may be undertaken by the Government of NCT of Delhi with the approval of the Union Government.

The Bill, therefore, if enacted, will involve expenditure out of the Consolidated Fund of India. As the sums of moneys which will be given to the National Capital Territory of Delhi as special financial assistance by appropriation by law made by Parliament will be known only after the welfare schemes to be implemented by the Government of National Capital Territory of Delhi with the approval of the Central Government are identified, it is not possible at present to give the estimates of recurring expenditure which would be involved out of the Consolidated Fund of India.

No non-recurring expenditure is likely to be incurred from the Consolidated Fund of India.

## BILL NO. 235 OF 2015

*A Bill to provide for welfare measures for the poor and destitute and such other agricultural workers living in villages and constitution of a Welfare Fund for payment of compensation in cases of death or permanent disability, old-age pension, medical assistance, maternity and creche facilities for the women workers and for regulating the conditions of work and for matters connected therewith or incidental thereto.*

BE it enacted by Parliament in the Sixty-sixth Year of the Republic of India as follows:—

Short title,  
extent and  
commencement.

**1.** (1) This Act may be called the Poor and Destitute Agricultural Workers (Welfare) Act, 2015.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. In this Act, unless the context otherwise requires,—

Definitions.

(a) "agricultural land" means any cultivable land used for cultivation of any agricultural produce, dairy farming, growing and harvesting of any horticultural product, raising and rearing of livestock, beekeeping, poultry, growing fodder and such other activities as may be connected with agriculture;

(b) "agricultural worker" means any person who works as a labourer on hire or in exchange whether in cash or in kind or partly in cash and partly in kind in farming activities including cultivation and tillage of soil, dairy farming, activities related to harvesting of horticultural commodities and includes any activity related to production of agricultural produce and rearing of livestock, poultry or any such work;

(c) "appropriate Government" means in the case of a State, the Government of that State and in all other cases, the Central Government;

(d) "Authority" means the Poor and Destitute Agricultural Workers Welfare Authority established under section 3;

(e) "employer" means any person who employs agricultural workers in any manner;

(f) "Fund" means the Poor and Destitute Agricultural Workers Welfare Fund constituted under section 5;

(g) "poor and destitute" means any person not living in a pucca house and includes those who live in huts with thatched roof or kutchra house and whose annual income from all sources does not exceed rupees ten thousand; and

(h) "prescribed" means prescribed by rules made under this Act.

3. (1) The Central Government shall, as soon as may be, by notification in the Official Gazette, establish a Poor and Destitute Agricultural Workers Welfare Authority for the purposes of this Act.

Establishment of a Poor and Destitute Agricultural Workers and Artisans Welfare Authority.

(2) The Authority shall be a body corporate by the name aforesaid having perpetual succession and common seal with power to acquire, hold and dispose off property, both movable and immovable, and to contract and shall by the said name, sue and be sued.

(3) The headquarters of the Authority shall be at Maharajganj in the State of Bihar and the Authority may establish offices at such other places in the country as it may deem necessary for carrying out the purposes of this Act.

(4) The Authority shall consist of the following members, namely:—

(a) the Union Minister of Labour and Employment, who shall be the Chairperson *ex-officio*;

(b) a Deputy Chairperson to be appointed by the Central Government having the background or specialization in labour related issues and such other qualifications as may be prescribed;

(c) five members of Parliament of whom three shall be from the House of the People and two from the Council of States to be nominated by the presiding officer of the House concerned;

(d) four members to be appointed by the Central Government to represent the Union Ministries of Agriculture, Finance, Labour and Employment and Rural Development respectively;

(e) three members to be appointed by the Central Government from amongst the poor and destitute agricultural workers in such manner as may be prescribed; and

(f) not more than four members to be appointed by the Central Government in consultation with the State Governments, representing State Governments in the alphabetical order and it shall be ensured that all the States get represented in the Authority by rotation.

(5) The salaries and allowances payable to, and other terms and conditions of service of the Deputy Chairperson and other Members of the Authority shall be such as may be prescribed.

(6) The Authority shall have a Secretariat with such number of officers and staff with such terms and conditions of service as may be prescribed from time to time.

(7) The Commission shall observe such procedure in the transaction of its business, as may be prescribed.

(8) The quorum to constitute any sitting of the Commission shall be such as may be prescribed.

Functions of the Authority.

4. (1) The Authority shall perform such functions relating to welfare measures for the poor and destitute agricultural workers as may be assigned to it by the Central Government.

(2) Without prejudice to the generality of the provisions of sub-section (1), the welfare measures referred to therein may also provide for,—

(i) maintaining a district-wise register of poor and destitute agricultural workers in such manner and with such particulars and details as may be prescribed;

(ii) maintaining agricultural land records from village level to district level;

(iii) maintaining district-wise register of employers employing poor and destitute agricultural workers with such particulars and in such manner as may be prescribed;

(iv) regulating the conditions of work and fix minimum wages for the poor and destitute agricultural workers;

(v) payment of old-age pension to the poor and destitute agricultural workers and provision of provident fund facilities for them;

(vi) payment of compensation at prescribed rates to the families of poor and destitute agricultural workers who die prematurely due to accident or illness or due to any other unnatural reason;

(vii) providing free of cost health care to the poor and destitute agricultural workers in such manner as may be prescribed;

(viii) providing maternity and creche facilities for the female workers covered under this Act;

(ix) providing insurance facility to all the workers covered under this Act; and

(x) such other provisions as may be deemed necessary for carrying out the purposes of this Act.

Establishment of a Poor and Destitute Agricultural Workers Welfare Fund.

5. (1) The Central Government shall, by notification in the Official Gazette, constitute a fund for the purposes of this Act to be called the Poor and Destitute Agricultural Workers Welfare Fund with an initial corpus of rupees ten thousand crore to be provided by the Central Government by due appropriation made by law by Parliament in this behalf.

(2) The Central Government, State Governments and employers of the poor and destitute agricultural workers shall contribute to the Fund in such ratio as may be prescribed.

(3) Such other sums as may be received by way of donations, contribution or assistance from individuals, organizations or otherwise shall also be credited to the Fund.

(4) The Fund shall be used for the welfare of the poor and destitute agricultural workers by the Authority in such manner as may be prescribed.

6. Notwithstanding anything contained in any other law for the time being in force, it shall be the duty of the appropriate Government to ensure effective implementation of the provisions of this Act.

Appropriate Government to ensure implementation of the Act.

7. If any difficulty arises in giving effect to the provisions of this Act, the Central Government may make such order or give such direction, not inconsistent with the provisions of this Act, as appears to it to be necessary or expedient for the removal of such difficulty:

Power to remove difficulties.

Provided that no such order or direction shall be made or given after the expiry of two years from the commencement of this Act.

8. The provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force regulating any of the matters dealt within this Act.

Act not in derogation of any other law.

9. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Powers to make rules.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be, so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

## STATEMENT OF OBJECTS AND REASONS

Majority of our population lives in the villages and most of them depend on agriculture in one way or the other. Millions of poor and destitute agricultural workers form part of the rural population. The agricultural workers work on the fields or farms of the farmers to earn their livelihood. They are poverty-stricken, homeless as they live in huts with thatched roof with no security from rains and cold and are landless and remain exploited throughout their lives. As they are unorganized they work round the year and are denied even the basic facilities of minimum wages, maternity benefit etc. by their employers. Even two square meals and a pair of clothes is a luxury for them.

Ours is a welfare State. Hence it is the duty of the Central and State Governments to protect the poor and destitute agricultural workers, who make immense contribution to our GDP, by introducing welfare measures and legal protection for them as they too are part and parcel of our society and the nation.

Hence this Bill.

NEW DELHI;  
*July 29, 2015.*

JANARDAN SINGH 'SIGRIWAL'



#### FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the establishment of a Poor and Destitute Agricultural Workers Welfare Authority. Clause 4 provides for maintaining a district-wise register of poor and destitute agricultural workers and for provision of certain facilities to these workers. Clause 5 provides for the constitution of the Poor and Destitute Agricultural Workers Welfare Fund with an initial corpus of rupees ten thousand crore to be provided by the Central Government. Thereafter funds are to be provided annually. The Bill, therefore, if enacted, is likely to involve expenditure from the Consolidated Fund of India. It is estimated that a sum of rupees five thousand crore would be involved as recurring expenditure per annum. A no-recurring expenditure of about rupees one thousand crore is also likely to be involved.

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#### MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 9 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

## BILL NO. 236 OF 2015

*A Bill to provide for the measures to be undertaken by the State for the protection and maintenance of neglected, abandoned and destitute widows by establishing a Welfare Board for such widows and for matters connected therewith or incidental thereto.*

BE it enacted by Parliament in the Sixty-sixth Year of the Republic of India as follows:—

Short title and  
extent.

**1.** (1) This Act may be called the Widows (Protection and Maintenance) Act, 2015.

(2) It extends to the whole of India.

Definitions.

**2.** In this Act, unless the context otherwise requires,—

(a) "abandoned widow" means a widow who has been deserted or thrown out of the household by her relatives to fend for herself and who has no means to support her and her dependent children, if any;

(b) "appropriate Government" means in the case of a State the Government of that State and in all other cases the Central Government;

(c) "Board" means the National Widows Welfare Board established under Section 3;

(d) "destitute widow" means a widow stricken with infirmity due to old age, physical disability, chronic ailment, mental imbalance or who has no source of income to support herself and her dependent children, if any;

(e) "prescribed" means prescribed by rules made under this Act; and

(f) "widow" means a legally married woman whose husband has expired.

**3. (1)** The Central Government shall, by notification in the Official Gazette, establish a Board to be called the National Widows Welfare Board for the purposes of this Act.

Establishment  
of the National  
Widows  
Welfare Board.

(2) The Board shall be a body corporate by the name aforesaid having perpetual succession and a common seal with power to acquire, hold and dispose of property, both movable and immovable, and to contract and shall by the said name sue and be sued.

(3) The Head Office of the Board shall be situated at such place as may be decided by the Central Government and the Board may establish its branches in the States and Union territories in such manner as may be prescribed.

(4) The Board shall consist of,—

(a) a Chairperson, ex-officio, who shall be Minister in charge of the Union Ministry of Social Justice and Empowerment;

(b) a Vice-Chairperson preferably a widow to be appointed by the Central Government;

(c) three members of Parliament of whom two shall be from Lok Sabha and one from the Rajya Sabha to be nominated by the presiding officers of respective Houses;

(d) two officers not below the rank of Joint Secretary in the Union Ministry dealing with the administration of this Act to be appointed by the Central Government;

(e) not more than four members to be appointed by the Central Government in consultation with the Governments of States, by rotation in alphabetical order, to represent the Governments of the States; and

(f) three members to be appointed by the Central Government from amongst the Non Government Organizations working for the welfare of widows.

(5) The Board shall follow such procedure in discharge of its agenda and hold meetings in such manner as may be prescribed.

(6) The salary, allowances and other conditions of service of the Vice-Chairperson and other members of the Board shall be such as may be prescribed.

(7) The Board shall have a Secretariat with such number of officers and employees with such terms and conditions of service, as may be necessary for the efficient functioning of the Board as may be prescribed.

**4. (1)** The Central Government shall constitute a Fund to be known as the Widows Welfare Fund.

Constitution  
of a Widows  
Welfare Fund.

(2) The Central Government and the State Governments shall contribute to the Fund in such ratio as may be prescribed.

(3) There shall also be credited to the fund such other sums as may be received by way of donation, contribution, assistance or otherwise by the Board.

**5. (1)** The Board shall promote and provide, by such measures as it thinks fit, for the protection, maintenance and welfare of neglected, abandoned and destitute widows and for their dependent children.

Functions of  
the Board.

(2) Without prejudice to the generally of the provisions of sub-section (1), the Board shall,—

(a) maintain district-wise register of widows with such particulars and in such manner as may be prescribed;

(b) collect and get verified the antecedents of every widow covered under this Act to assess her need for assistance in such manner as may be prescribed; and

(c) perform such other functions as may be assigned to it from time to time.

Facilities to be provided to the widows.

**6.** The Board shall provide to the abandoned or destitute widows, on an application prescribed for the purpose, the following facilities, namely:—

(a) subsistence allowance of rupees two thousand per month in case the widow is infirm and destitute or is having one or more dependent children or rupees one thousand per month in case she has no dependent child;

(b) residential accommodation free of cost wherever necessary;

(c) free education including technical education to the dependent children of the widows;

(d) gainful employment;

(e) vocational training wherever required;

(f) such other facilities as may be necessary and as may be prescribed:

Provided that if a widow covered under this Act gets gainful employment or remarries, the facilities provided to her under this Act shall stand withdrawn from the date such widow gets employment or remarries, as the case may be:

Provided further that a widow residing with her in-laws or parents according to custom or due to other circumstances shall not be denied the facilities under this Act on this ground.

Miscellaneous provisions.

**7.** Notwithstanding anything contained in any other law for the time being in force or in any custom, a widow,—

(i) shall not be evicted or thrown out of the house of the in-laws or parents, as the case may be, where such widow was residing at the time of death of her husband;

(ii) shall be entitled to inherit the property or the share of her late husband in case of joint ownership of the property from her in-laws; and

(iii) shall be entitled for maintenance from the heir or in-laws who abandon a widow for subsistence.

Central Government to provide requisite funds.

**8.** The Central Government shall, after due appropriation made by Parliament by law in this behalf, provide requisite funds for carrying out the purposes of this Act.

Act to have overriding effect.

**9.** The provisions of this Act and rules made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force, but save as aforesaid the provisions of this Act shall be in addition to and not in derogation of any other law for the time being applicable to the widows.

Power to make rules.

**10.** (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) Every rule made under this Act by the Central Government shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the

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successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

## STATEMENT OF OBJECTS AND REASONS

In our country, there are millions of unfortunate widows who are leading a miserable life. Their number is nearly three per cent. of total population. More than fifty per cent. of these widows are old, infirm, disabled and have no source of income or livelihood. Their position becomes miserable if they have dependent children to support and bring up. They work as housemaids and take up other jobs for survival.

It commonly occurs that when a widow does not have any permanent source of income or livelihood, she is driven out of her in-laws' home or even from her parental home. Sometimes condition of such widows become miserable and their problems increase manifold due to poverty and other compelling reasons. Many such widows can be seen begging in the streets and public places. Several women who become widows in their youth are not only sexually exploited by their known ones but also forced into prostitution. At some places, widows are termed as witches and tortured even by their own kith and kin or other persons from the community. They are treated as bad women by the society.

Ours is a welfare State. It is the foremost duty of the State to initiate welfare measures and to protect and provide maintenance to the hapless widows so that they can live gracefully in the society. It is, therefore, proposed in the Bill to set up a Welfare Board to exclusively look after the welfare of neglected, abandoned and destitute widows.

Hence this Bill.

NEW DELHI,  
*July 29, 2015.*

JANARDAN SINGH 'SIGRIWAL'

#### FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the establishment of the National Widows Welfare Board. Clause 4 provides for the constitution of a Welfare Fund. Clause 6 provides for facilities like subsistence allowance, free residential accommodation, medical facilities, gainful employment, etc. to widows. Clause 8 provides that Central Government shall provide requisite funds for carrying out the purposes of the Bill. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that an annual recurring expenditure of rupees one thousand crore approximately is likely to be involved.

A non-recurring expenditure of about rupees two hundred crore is also likely to be involved.

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#### MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 10 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative powers is of a normal character.

## BILL NO. 240 OF 2015

*A Bill further to amend the Minimum Wages Act, 1948.*

BE it enacted by Parliament in the Sixty-sixth Year of the Republic of India as follows:—

Short title and  
commence-  
ment.

**1.** (1) This Act may be called the Minimum Wages (Amendment) Act, 2015.

(2) It shall come into force on such date as the Central Government, may by notification in the official Gazette, appoint.

Amendment  
of section 3.

**2.** In section 3 of the Minimum Wages Act, 1948, (hereinafter referred to as the principal Act), in sub-section (1), in clause (b) and the proviso thereunder, for the words “five years”, wherever they occur, the words “three years” shall be substituted.

11 of 1948.

Amendment  
of section 4.

**3.** In section 4 of the principal Act, in sub-section (1), for clause (i), the following clause shall be substituted, namely:—

'(i) a basic rate of wages and a special allowance at a rate to be adjusted, at such intervals and in such manner as the appropriate Government may direct to link the cost of living index number applicable to such workers (hereinafter referred to as the “cost of living allowance”); or.'



## STATEMENT OF OBJECTS AND REASONS

In order to ratify the International Labour Organisation Convention No. 26 of 1928, the Minimum Wages Act was enacted on 15 March, 1948. The objective of the Act was to impose a statutory obligation on the employer to pay the minimum wages; bring social justice; and enable the working class to have a minimum standard of life. However, the working of the Act since the last six decades proves that the Act in the present form does not serve the intended object. The main bottleneck in this Act is that the minimum wages are not compulsorily linked with cost of living index. Also, period for revising minimum wages can be prolonged upto five years which is a long period comparing with the price hikes and standard of living.

Moreover, ninety four per cent. of Indian work force is in the unorganised sectors and the Minimum Wages Act is the most pivotal for them. Therefore, suitable amendments are required to be made in the Act to serve the above objects.

Hence this Bill.

NEW DELHI;  
*August 12, 2015.*

E.T. MOHAMMED BASHEER

## BILL NO. 241 OF 2015

*A Bill further to amend the Aligarh Muslim University Act, 1920.*

BE it enacted by Parliament in the Sixty-sixth Year of the Republic of India as follows:—

Short title and  
commencement.

**1.** (1) This Act may be called the Aligarh Muslim University (Amendment) Act, 2015.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Amendment  
of section 12.

**2.** In section 12 of the Aligarh Muslim University Act, 1920, after sub-section (2), the following sub-section shall be inserted, namely:—

"(3) Notwithstanding anything in sub-section (1), the University may also, with the sanction of the Visitor and subject to the Statutes and the Ordinances, establish and maintain schools from primary to higher secondary level in the Special Centres, Specialised Laboratories and such other institutions, as are referred to in sub-section (2).".

40 of 1920

## STATEMENT OF OBJECTS AND REASONS

In the light of Sachar Committee Report, the Special Centres of Aligarh Muslim University were proposed in 2007 with a view to focus on educational upliftment of the minorities. The proposal was to establish five centres at Katihar (Bihar), Pune (Maharashtra) Malappuram (Kerala), Murshidabad (West Bengal) and Bhopal (Madhya Pradesh) and this proposal was unanimously approved by Executive Council of the University on 17th January, 2008. As a result, the Special Centres of Aligarh Muslim University were established in Malappuram District of Kerala and Murshidabad District of West Bengal in the year 2010.

These Centres were proposed with a vision to get enrolled more number of minority students in higher learning institutions run by the Aligarh Muslim University. In Aligarh Muslim University, 50% of the students, who learn from the feeder school run by the Aligarh Muslim University, directly get admission in the higher learning courses.

As per the present Aligarh Muslim University Act, 1920, the University can establish and maintain educational institutions within a radius of fifteen miles from the University Mosque. However, due to this provision, the Special Centres, Specialised Laboratories or such other institutions established by the University are not in a position to open schools. Hence, in order to do away with this situation, an amendment is required in the Act to empower the University to establish schools in the Special Centres, Specialised Laboratories and other institutions of the University.

Hence this Bill.

NEW DELHI;  
*August 8, 2015.*

E.T. MOHAMMED BASHEER

## BILL NO. 242 OF 2015

*A Bill further to amend the Constitution (Scheduled Castes) Order 1950.*

BE it enacted by Parliament in the Sixty-sixth Year of the Republic of India as follows:—

Short title.

**1.** This Act may be called the Constitution (Scheduled Castes) Order (Amendment) Act, 2015.

Amendment of  
paragraph 3.

**2.** In paragraph 3 of the Constitution (Scheduled Castes) Order, 1950, for the words "or the Buddhist", the words "the Buddhist or the Islam" shall be substituted.

## STATEMENT OF OBJECTS AND REASONS

The Constitution (Scheduled Castes) Order, 1950 as originally enacted gave the Scheduled Castes status to persons belonging to certain castes of the Hindu religion only. However, it was later opened to persons of certain groups in Buddhist and Sikh religion also. The Muslims and other minorities are still excluded from its purview.

The Constitution (Scheduled Castes) Order, 1950 was one of the terms of reference to the National Commission for Religious and Linguistic Minorities headed by Former Chief Justice of India Shri Ranganath Mishra. The Commission had recommended for giving the status of the Scheduled Castes to certain groups and classes of persons from amongst the Muslims whose counterparts amongst the Hindu, Sikh or Buddhist religions have already been included in the lists of the Scheduled Castes.

Moreover, Gopal Singh panel in 1983 had also maintained that there was a "sense of discrimination prevailing among the Minorities" and that it "must be eliminated, root and branch, if we want the Minorities to form an effective part of mainstream."

The Sachar Committee Report has further highlighted the necessity of providing legal mechanism for the development of Muslim minorities in the light of ground realities of Muslim minorities pointed out by 1983 Gopal Singh panel.

The Bill, therefore, seeks to amend the paragraph 3 of the Constitution (Scheduled Castes) Order, 1950 with a view to providing all benefits, as are available to the Scheduled Castes of the Hindu, the Sikh or the Buddhist religion, to the persons belonging to certain groups or communities of Islam religion.

Hence this Bill.

NEW DELHI;  
*August 12, 2015.*

E.T. MOHAMMED BASHEER

## FINANCIAL MEMORANDUM

Clause 2 of the Bill seeks to include persons belonging to certain groups and classes of Islam religion under the purview of the Constitution (Scheduled Castes) Order, 1950 to confer them the status of the Scheduled Castes as has been done on persons belonging to certain castes in the Hindu, Sikh and Buddhist religion. The Bill, therefore, if enacted, would involve recurring and non-recurring expenditure from the Consolidated Fund of India on account of benefits to be provided to the Muslims under the ongoing Central Schemes meant for development of the Scheduled Castes.

At this stage, it is not possible to give the exact amount to be incurred on this account. However, the expenditure, whether recurring or non-recurring, will be met out of the Consolidated Fund of India. It is expected that a recurring expenditure of about rupees three hundred crore will be involved annually.

No non-recurring expenditure is likely to be involved.

## BILL NO. 243 OF 2015

*A Bill further to amend the Constitution of India.*

Be it enacted by Parliament in the Sixty-sixth Year of the Republic of India as follows:—

**1.** This Act may be called the Constitution (Amendment) Act, 2015.

Short title.

**2.** In article 15 of the Constitution, after clause (5), the following proviso shall be added at the end, namely:—

Amendment  
of article 15.

“Provided that the reservation in favour of persons belonging to the socially and educationally backward minorities in admission to higher educational institutions including private educational institutions, whether aided or unaided by the State, other than minority educational institutions, shall be in proportion to their population.”.

**3.** In article 16 of the Constitution, clauses (4A) and (4B) shall be renumbered as clauses (4B) and (4C), respectively, and before clause (4B) as so renumbered, the following clause shall be inserted, namely:—

Amendment  
of article 16.

“(4A) Nothing in this article shall prevent the State from making any provision for reservation of appointments or posts in favour of persons belonging to socially and educationally backward minorities in proportion to their population in services under the State.”.

## STATEMENT OF OBJECTS AND REASONS

In the Preamble to the Constitution we have resolved to secure to all citizens “Social, Economic and Political Justice” and “Equality of Status and Opportunity”. Article 14 of the Constitution guarantees to every citizen the right to equality before law. Article 46 lays down as a Directive Principle of State Policy that the State shall promote with special care the educational and economic interests of the weaker sections of the society. While Article 15 prohibits “discrimination on grounds of religion”.

Article 15(4) and 16(4) of our Constitution are mere enabling provisions. They do not impose any obligation on the part of the Government. It is left to the discretion of the Governments to make special provisions for advancement of socially and educationally backward classes and/or make any provision for reservation in education and employment.

In the absence of sub-quota, the introduction of 4.5% reservation for the socially and educationally backward minorities in the 27% reservation earmarked for socially and educationally backward classes have not achieved the desired goal.

The reports of Sachar Committee, Kundu Committee, Ranga Nath Mishra Commission, etc. have categorically pointed out that reservation of socially and educationally backward minority communities in accordance with their population is required in the field of education and work participation of our country.

In order to ensure justice to the most educationally and socially backward minorities in accordance with their population, reservation in admission to higher educational institutions including private educational institutions, whether aided or unaided by the State, other than minority educational institutions and in appointments or posts under the State is inevitable.

Hence this Bill.

NEW DELHI;  
August 12, 2015

E.T. MOHAMMED BASHEER



## BILL NO. 244 OF 2015

*A Bill further to amend the Constitution of India.*

BE it enacted by Parliament in the Sixty-sixth Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Amendment) Act, 2015. Short title.
2. In article 51A of the Constitution, after clause (k), the following clause shall be inserted, namely:— Amendment  
of article  
51A.

"(l) to respect and propagate the use of the official language of the Union."

## STATEMENT OF OBJECTS AND REASONS

Article 51A of the Constitution provides a list of Fundamental Duties which every citizen of India is required to abide by.

Article 343 provides that Hindi in Devanagri script shall be the official language of the Union. Hence it becomes the duty of every citizen to respect the official language of the Union and propagate the use of Hindi in daily life.

The Bill, therefore, seeks to amend the Constitution with a view to make it a fundamental duty of every citizen to respect and propagate the use of Hindi, the official language of the Union in daily life.

Hence this Bill.

NEW DELHI;  
*August* 12, 2015.

JAYSHREEBEN K. PATEL

## BILL NO. 245 OF 2015

*A Bill further to amend the Constitution of India.*

BE it enacted by Parliament in the Sixty-sixth Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Amendment) Act, 2015.

Short title.

2. After article 16 of the Constitution, the following article shall be inserted, namely:—

Insertion of  
new article 16A.

"16A. (1) Notwithstanding anything contained in this Part, the State may make provision for reservation in favour of women in posts and services under the State:

Reservation  
for women in  
posts and  
services.

Provided that the percentage of reservation shall not exceed thirty-three per cent.

(2) The provisions of clause (1) shall have effect notwithstanding anything contained to the contrary in any judgment, decree, direction or order of any Court of Law or Tribunal or Authority having judicial powers."

3. After article 29 of the Constitution, the following article shall be inserted, namely:—

Insertion of  
new article 29A.

"29A. Notwithstanding anything contained in this Part, the State may make provision for reservation in admission in favour of women in educational institutions under the State:

Reservation  
for women in  
educational  
institution.

Provided that the percentage of reservation shall not exceed thirty-three per cent."

## STATEMENT OF OBJECTS AND REASONS

Women constitute nearly half of the population of the country. However, they are not adequately represented in the services under the State. One of the basic reasons for under representation in Government services is lack of education particularly higher education. Women representation in IIT's and IIM's and other technical institutions is very less.

The Bill seeks to amend the Constitution with a view to providing thirty-three per cent. reservation in favour of women in the services under the State and admission in all educational institutions.

Hence this Bill.

NEW DELHI;  
*August 12, 2015.*

JAYSHREEBEN K. PATEL

## BILL NO. 246 OF 2015

*A Bill to provide for the establishment of a permanent Bench of the Supreme Court of India at Ahmedabad.*

BE it enacted by Parliament in the Sixty-sixth Year of the Republic of India as follows:—

**1.** (1) This Act may be called the Supreme Court of India (Establishment of a Permanent Bench at Ahmedabad) Act, 2015.

Short title  
and  
commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

**2.** There shall be established a permanent Bench of the Supreme Court of India at Ahmedabad and such number of Judges of the Supreme Court of India, being not less than nine, as the Chief Justice of India may, from time to time, with the approval of the President, nominate, shall sit at Ahmedabad in order to exercise the jurisdiction and power for the time being vested in the Supreme Court of India in respect of cases arising in the States of Gujarat, Madhya Pradesh, Maharashtra, Goa, Rajasthan and the Union Territory of Dadra and Nagar Haveli and such other territories as may be notified by the Central Government, from time to time, with approval of the Chief Justice of India.

Establishment  
of a  
permanent  
Bench of  
Supreme  
Court of India  
at  
Ahmedabad.

## STATEMENT OF OBJECTS AND REASONS

India is the seventh largest country in the world in terms of area. It is the second most populous country next to China. However, the seat of the Supreme Court of India at Delhi is to decide cases arising in whole of the country. Article 130 of the Constitution provides that the Supreme Court of India shall sit in Delhi or in such other place or places, as the Chief Justice of India, may, with the approval of the President, from time to time, appoint. The language of article 130 clearly indicates that the intention of the founding fathers of the Constitution was to have more than one seat of the Supreme Court. But so far no thought has been given to the idea of having another Bench of the apex court despite the fact that the population of the country which was around thirty-six crore at the time of independence has now swollen to over one hundred and twenty-eight crore and there is proportionate increase in the cases in the Supreme Court. Litigant public has to travel thousands of kilometers to follow-up their cases in the Supreme Court which is seated in Delhi. This not only adds to their financial burden but also results in wastage of a lot of time in travelling and staying in Delhi. The litigants in northern and central part of the country find it inconvenient and expensive. Therefore, it is high time that a Bench of the Supreme Court of India be established for the convenience of the public at large for which Ahmedabad is the most appropriate place.

Geographically, Ahmedabad is the most ideal place for setting up of the Bench of the apex court. A Bench of the Supreme Court at Ahmedabad will provide a big relief to the litigant public residing in the States of Gujarat, Madhya Pradesh, Maharashtra, Goa, Rajasthan and Union Territory of Dadra and Nagar Haveli and other adjoining States of the country and will provide them convenient and affordable justice.

Hence this Bill.

NEW DELHI;  
August 13, 2015.

JAYSHREEBEN K. PATEL

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PRESIDENT'S RECOMMENDATION UNDER ARTICLES 117(1) AND 117(3)  
OF THE CONSTITUTION

[Copy of letter No. 15019/12/2015-US dated 29 September, 2015 from Shri D.V. Sadananda Gowda, Minister of Law and Justice to the Secretary General, Lok Sabha].

The President, having been informed of the subject matter of the Supreme Court of India (Establishment of a Permanent Bench at Ahmedabad) Bill, 2015 by Shrimati Jayshreeben K. Patel, M.P., recommends the introduction of the Bill under article 117(1) and consideration under article 117(3) of the Constitution, in Lok Sabha.

## FINANCIAL MEMORANDUM

Clause 2 of the Bill provides for the establishment of a permanent Bench of the Supreme Court of India at Ahmedabad. The Bill, therefore, if enacted and brought into operation, would involve expenditure from the Consolidated Fund of India. It is not possible to estimate, at this stage, the exact amount of expenditure that will be involved.

However, a recurring expenditure of about rupees ten crore is likely to be involved per annum for the purpose of payment of allowances to the Judges of the Bench and payment of salaries to the Court servants.

A non-recurring expenditure of about rupees fifty crore is likely to be involved for the construction of building of the Court, etc. and appointment of staff members.

## BILL NO. 213 OF 2015

*A Bill to provide for proper handling and disposal of household waste by prescribing norms and fixing duties on citizens and municipal authorities with regard to segregation and collection of municipal solid waste and for matters connected therewith or incidental thereto.*

WHEREAS decisions were taken at the United Nations Conference on the Human Environment held at Stockholm in June, 1972, in which India participated, to take appropriate steps for protection and improvement of human environment;

AND WHEREAS it is considered necessary further to implement the decisions of aforesaid Conference in so far as they relate to the protection and improvement of environment and the prevention of hazards to human beings, other living creatures, plants and property.

BE it enacted by Parliament in the Sixty-sixth Year of the Republic of India as follows:—

Short title,  
extent and  
commencement.

1. (1) This Act may be called the Waste Segregation and Collection Act, 2015.

(2) It extends to the whole of India.



(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

**2.** In this Act, unless the context otherwise requires,—

Definitions.

(a) “appropriate Government” means in the case of a State the Government of that State and in all other cases, the Central Government;

(b) “municipal authority” means Municipal Corporation, Municipality, Nagarpalika, Nagar Nigam, Nagar Panchayat, Municipal Council including Notified Area Committee (NAC) or any other local body constituted under the relevant statutes and where the management and handling of municipal solid waste is entrusted to such agency;

(c) “prescribed” means prescribed by rules made under this Act; and

(d) “segregation” means separation of the municipal solid wastes into organic, inorganic, recyclables and hazardous wastes.

**3.** No person shall throw or dispose of any household waste in public place or on the property of any other person, except in the dustbins or waste collection points demarcated by the municipal authority.

Prohibition on littering.

**4.** It shall be the duty of the every citizen to segregate the household waste before disposal.

Duty of every citizen.

**5.** It shall be the duty of the municipal authority to,—

Responsibilities of the municipal authorities.

(i) ensure collection of segregated waste from households for further treatment and disposal;

(ii) notify sites demarcated as collection points;

(iii) conduct educational and informational activities relating to segregation of waste at such interval, as may be prescribed, for the local residents; and

(iv) organise cleanliness drives from time to time to promote cleanliness among citizens.

**6. (1)** The appropriate Government shall prescribe minimum standards and requirements for the collection of solid waste, in such manner as may be prescribed.

Minimum standards and requirements for collection of solid waste.

(2) In particular and without prejudice to the generality of foregoing provisions, the minimum standards shall provide for—

(a) equipments for all collectors and other personnel directly dealing with collection of solid waste to protect themselves from the hazards of handling municipal solid wastes;

(b) necessary training to the collectors and personnel to ensure proper handling of solid wastes; and

(c) manner of collection of solid waste to prevent damage to the container and spillage or scattering of solid waste at collection points demarcated by the municipal authority.

**7.** Whoever violates the provisions of this Act shall be punished with imprisonment for a term which may extend to six months and fine which may extend to five thousand rupees.

Penalty.

**8.** The Central Government shall, after due appropriation made by Parliament by law in this behalf, provide requisite sums to the State Governments for carrying out the proposes of this Act.

Central Government to provide requisite sums.

Act to have  
overriding  
effect.

**9.** The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force relating to maintenance of public cleanliness and waste management or in any instrument having effect by virtue of any law other than this Act.

Act to  
supplement  
other laws.

**10.** The provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force.

Power to  
make rules.

**11. (1)** The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both House agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

## STATEMENT OF OBJECTS AND REASONS

India generates about sixty million tonnes of trash every year. Ten million tonnes of garbage is generated in the metropolitan cities only. The landfills of most of these cities are already overflowing, with no space to accommodate fresh garbage waste. The reason why most landfill sites are overflowing is the inefficiency of the current waste disposal system. Effective management of garbage is extremely important as it affects the health of our citizens in an extremely severe manner. Nearly twenty per cent of methane gas emissions in India are caused by landfills. Due to the decomposition of inorganic waste, the ground water is contaminated. There is also the problem of leachate when rain water percolates through the waste in a landfill.

Inefficiency in waste disposal system can only be solved by segregating waste at the source location. Recyclable waste like construction and demolition waste, organic waste like household garbage and toxic waste like medical waste, needs to be separated. “*Swaachh Bharat Abhiyan*” launched by Government of India encourages citizens not to pollute the community and make more use of dustbin to drive cleanliness. But awareness of segregation of waste is still a distant dream. Even before cleaning up the city, the government needs to sort out a concrete waste management system that ensures segregation and recycling.

The Bill aims to provide a legislative impetus to the issue of waste management by clearly outlining the roles and responsibilities of the Government, municipal authorities and the citizen. The Bill also seeks to provide for necessary standards for the collectors and personnel dealing with collection of the waste to ensure effective waste management system.

Hence this Bill.

NEW DELHI;  
June 29, 2015.

SUPRIYA SULE

## FINANCIAL MEMORANDUM

Clause 5 provides for certain steps to be initiated by municipal authorities for promotion of waste segregation. Clause 6 provides for provision of equipments, necessary training for collectors and other personnel directly dealing with collection of solid waste. Clause 8 provides that the Central Government shall provide adequate sums to the State Governments for carrying out the purposes of the Bill. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that a recurring expenditure of about five hundred crore will be incurred per annum.

A non-recurring expenditure of about rupees one hundred crore is also likely to be involved.

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## MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 11 of the Bill empowers the Central Government to make rules for carrying out the purpose of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of normal character.

## BILL NO. 206 OF 2015

*A Bill further to amend the Environment (Protection) Act, 1986.*

BE it enacted by Parliament in the Sixty-sixth Year of the Republic of India as follows:—

1. (1) This Act may be called the Environment (Protection) Amendment Act, 2015.

Short title and  
commencement.

(2) It shall come into force on such date, as the Central Government may, by notification in the Official Gazette, appoint.

Amendment  
of section 2.

**2.** In section 2 of the Environment (Protection) Act, 1986, (hereinafter referred to as the principal Act),:— 29 of 1986.

(i) the existing clause (a) shall be re-numbered as clause (aa) and before clause (aa) so as re-numbered, the following clause shall be inserted, namely:—

‘(a) "Board" means the Central Board for the Prevention, Control and Abatement of Light Pollution constituted under section 17A;’;

(ii) after clause (e), the following clause shall be inserted, namely:—

‘(ea) "light pollution" means unwanted illumination by outdoor lighting fixture, which is dispersed outside the areas to which intended, particularly in cases when directed over the horizon level and/or induces negative effects on living organism;’;

(iii) after clause (f), the following clause shall be inserted, namely:—

‘(fa) "outdoor lighting fixture" means any type of fixed or movable lighting equipment designed or used for outdoor illumination including billboard lighting, street lights, searchlights and other lighting used for advertising purposes and area lighting but does not include lighting equipment that is required by law to be installed on motor vehicles or lighting required for the safe operation of aircraft;’; and

(iv) after clause (g), the following clause shall be inserted, namely:—

‘(h) "shielded" in relation to outdoor lighting fixture means a fixture that is covered in such a manner that light rays emitted by the fixture, either directly from the lamp or indirectly from the fixture, are projected below a horizontal plane running through the lowest point on the fixture where light is emitted.’.

Insertion of  
new  
Chapter IIIA.

**3.** In the principal Act, after Chapter III, the following new Chapter shall be inserted, namely:—

### "CHAPTER IIIA

#### PREVENTION, CONTROL AND ABATEMENT OF LIGHT POLLUTION

Constitution  
of Central  
Board.

17A. (1) The Central Government shall, within three months of the coming into force of the Environment (Protection) Amendment Act, 2015, by notification in the Official Gazette, constitute a Board to be known as the Central Board for the Prevention, Control and Abatement of Light Pollution for effective implementation of the provisions of the Chapter.

(2) The Board shall consist of Chairperson and such other members to be appointed by Central Government in such manner as may be prescribed.

(3) The salary and allowances payable to, and other terms and conditions of services of Chairperson and members of the Board shall be such as may be prescribed.

Functions of  
Central  
Board.

17B. (1) The Board shall be responsible for prevention, control and abatement of light pollution in the country.

(2) Without prejudice to the generality of the foregoing provision, the Board may perform all or any of the following functions, namely:—

(a) advise the Central Government on any matter concerning improvement of the quality of night sky and the prevention, control or abatement of light pollution.

(b) plan and cause to be executed a nation-wide programme for the prevention, control and abatement of light pollution;

(c) plan and organise training of persons engaged or to be engaged in programmes for prevention, control and abatement of light pollution on such terms and conditions, as the Board may specify;

(d) organise through mass media a comprehensive programme regarding prevention, control and abatement of light pollution;

(e) collect, compile and publish technical and statistical data relating to light pollution and the measures devised for its effective prevention, control and abatement and prepare manuals, codes or guides relating to prevention, control and abatement of light pollution;

(f) lay down standards for the quality of atmosphere and night sky in respect of light pollution;

(g) collect and disseminate information in respect of matters relating to light pollution; and

(h) perform such other functions as may be prescribed.

17C. (1) The Board shall, by notification in the Official Gazette, prescribe guidelines for shielded outdoor lighting fixtures.

Guidelines for outdoor fixtures.

(2) In particular and without prejudice to the generality of forgoing provisions, the guidelines shall provide for—

(a) compulsory shielding of all public outdoor lighting fixtures using prescribed power consumption;

(b) replacement of unrepairable shielded outdoor lighting fixtures; and

(c) restricted use of shielded outdoor lighting fixtures for outdoor recreational facility from midnight till 0500 hrs. except for national or international events.

17D. The Central Government shall, after due appropriation made by Parliament by law in this behalf, provide such sums of money as it may think fit for being utilised for the purpose of this Act.

Central Government to provide fund.

17E. The provisions of this Act shall not apply to—

Exemptions.

(a) existing shielded outdoor lighting fixtures which were legally installed prior to the commencement of the Environment (Protection) Amendment Act, 2015;

(b) navigational lighting systems at airports and other lighting necessary for aircraft safety;

(c) outdoor lighting fixtures necessary for national safety; and

(d) outdoor lighting fixtures necessary for safety of workers engaged at farms, dairies, industries, mining, oil sector and natural gas facilities.

17F. Whoever contravenes the provisions of this Chapter shall, for a first offence, be issued a warning, and for second or subsequent offence be punished with a fine, which shall not be less than one lakh rupees.

Penalty.

17G. The provisions of this Chapter shall have effect notwithstanding anything inconsistent therewith contained in this Act or any other law for the time being in force."

Act to have overriding effect.

## STATEMENT OF OBJECTS AND REASONS

The unrestricted use of artificial lights and human's dependence on electricity has resulted in problems that we have become oblivious to. Though we may have conquered the demons of darkness and illuminated our cities, towns and villages, we have done so at a huge expense. We have surpassed levels of light hundreds and thousands of times higher than the natural level during the night thereby causing light pollution.

The biggest victim of light pollution is science of astronomy. Sky glow (the scattering of light in the atmosphere) reduces the contrast between stars and galaxies and the sky itself, making it much harder to see fainter objects. Astronomers need to have a clear view of the stars and planets above. Dark sky friendly lighting does not mean dark ground. Light pollution not just concerns astronomers but also animals and plants. It poses a serious threat to nocturnal wildlife. About thirty per cent. of vertebrates and more than sixty per cent. of invertebrates are nocturnal and many of the rest are crepuscular-active at dawn and dusk. Light pollution is known to have caused confusion to animal navigation and changed predator-prey relations amongst other things. Thus light pollution has an endangering effect on the ecosystem around us.

The Bill aims to ensure that outdoor light at night is illuminated at an appropriate lighting levels or use fully shielded, light efficient fixtures aimed downward where it is needed. The relatively simple act of shielding our lights, installing or retrofitting lamp fixtures that direct light downward to its intended target, represents our best chance to control light pollution. While we seldom leave our interior light bare, most of our outdoor lighting remains unshielded, sending light straight into the sky, into our eyes, into our neighbours' bedrooms. Moreover, shielded lights do their job more efficiently as they shine more brightly on what want to be lit. More efficient lighting also saves energy, reduce costs and conserve natural resources.

In various countries, there are laws to preserve and enhance country's dark sky. But light pollution is hardly discussed in our country and in fact it is nobody's responsibility. The problem of light pollution is worsening as our country is becoming increasingly affluent and urbanized. It is, therefore, high time that matter may be regulated before the situation becomes alarming.

NEW DELHI;  
*June 29, 2015.*

SUPRIYA SULE



## FINANCIAL MEMORANDUM

Clause 3 of the Bill seeks to insert sections 17A to 17G in the Environment (Protection) Act, 1986. Proposed section 17A provides for constitution of a Central Board to prevent, control and abate light pollution. Proposed sections 17B provides for steps to be taken by the Central Board for such training, mass media programme and compilation of data relating to prevention, control and abatement of light pollution. Proposed section 17C provides for replacement of existing lamps after being irreparable. Proposed section 17D provides that the Central Government shall provide adequate funds to carry out the purposes of the Bill. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that a recurring expenditure of about fifty hundred crore will be incurred per annum.

A non-recurring expenditure of rupees one hundred crore is also likely to be involved.

## BILL NO. 200 OF 2015

*A Bill to provide for compulsory teaching of financial education in all educational institutions and for matters connected therewith or incidental thereto.*

BE it enacted by Parliament in the Sixty-sixth Year of the Republic of India as follows:—

Short title and  
commencement.

**1.** (1) This Act may be called the Compulsory Teaching of Financial Education in Educational Institutions Act, 2015.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

**2.** In this Act, unless the context otherwise requires,—

(a) “Advisory Council” means the Advisory Council for Financial Education constituted under section 6;

(b) “appropriate Government” means in the case of a State, the Government of that State and in all other cases, the Central Government;

(c) “educational institution” means a middle or a secondary or a senior secondary level school imparting education to children, by whatever name such institution is called, but does not include a minority educational institution;

(d) “financial education” includes imparting knowledge and understanding of basic financial matters to enable individual to make informed financial decisions; and

(e) “prescribed” means prescribed by rules made under this Act.

3. From such date, as the Central Government may, by notification in the Official Gazette specify, the financial education shall be taught as a compulsory subject in all educational institutions from such class onwards as may be determined by the Central Government on the recommendation of the Advisory Council.

Compulsory teaching of financial education in educational institutions.

4. The appropriate Government shall, immediately after issuance of the notification under section 3, issue directions for compulsory teaching of financial education in all educational institutions within its jurisdiction.

Appropriate Government to issue directions for compulsory teaching of financial education in all educational institutions.

5. Subject to such matters, as may be prescribed, the appropriate Government shall ensure appointment of such number of teachers with such qualifications, as may be specified, for teaching financial education in educational institutions.

Appointment of teachers for financial education.

6. (1) The Central Government shall, within three months of the coming into force of the Compulsory Teaching of Financial Education in Educational Institutions Act, 2015, by notification in the Official Gazette, constitute an Advisory Council for financial education.

Constitution of Advisory Council for financial education.

(2) The Advisory Council shall consist of such numbers of persons, having special knowledge or practical experience in the field of financial education, as the Central Government may deem fit.

7. The Advisory Council shall perform the following functions, namely:—

Functions of the Advisory Council.

(a) recommend to the Central Government the syllabus of financial education for each class upto senior secondary level;

(b) recommend to the Central Government the class from which onwards the financial education is to be taught in educational institutions;

(c) recommend to the appropriate Government the qualifications of teachers to be appointed in educational institutions for teaching financial education;

(d) recommend to the appropriate Government the institutions which may be given recognition for training teachers in financial education for the purpose of their appointment in educational institutions; and

(e) coordinate with the appropriate Government and educational institutions with a view to ensuring effective implementation of the provisions of this Act.

8. The appropriate Government shall derecognize an educational institution which do not comply with the provisions of section 4 after giving such institution a reasonable opportunity of being heard.

Derecognition of educational institutions for non-compliance of the provisions of the Act.

9. The Central Government shall, after due appropriation made by Parliament by law in this behalf, provide adequate funds to the State Governments for carrying out the purposes of this Act.

Central Government to provide funds.

Overriding  
effect of the  
Act.

**10.** The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force.

Power to  
make rules.

**11.** (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

## STATEMENT OF OBJECTS AND REASONS

Financial education is important not just for investors but also for an average family trying to decide how to balance its budget, buy a home, fund the children's education and ensure an income when the parents retire and other such financial decisions. Increasing range and complexity of financial products has made it every difficult for an ordinary person to take an informed decision. Individuals often get exploited by money lenders who trap innocent citizens in exploitative financial schemes and charge them exorbitant interest rate. This is mainly due to lack of knowledge among citizens on the importance of formal banking.

Financial education is an important life skill. In our country, there are many students who do not get opportunity to study beyond school level. This is truer in case of girl students. One must keep it in mind that for such students, this could be the last opportunity in life to get formal inputs on Financial Education. It is even more important in India as we are an agrarian economy and primarily dependant on monsoon (nature's mercy). Knowledge of saving, crop insurance and future commodity market can help farmers to reap maximum benefits of his crop.

School Curriculum in our educational system needs to be equipped to impart financial education to the student post primary level and make it compulsory to impart some basic financial education. The Central Board of Secondary Education has agreed, in principle, to introduce it in an integral manner in school education (Post Primary Level) and to facilitate the process of financial inclusion. But implementation is poor.

There are many government initiatives to make formal banking available to citizens but to make citizens respond to the various initiatives, it is imperative that financial education is imparted to the young minds of the nation. Financial education can lead to multiplier effects in the economy. A well-educated household would resort to regular savings, which in turn would lead to investment in right channels and income generation.

Hence this Bill.

NEW DELHI;  
*June 29, 2015.*

SUPRIYASULE

#### FINANCIAL MEMORANDUM

Clause 5 of the Bill provides for appointment of teachers for imparting financial education in educational institutions. Clause 6 provides for constitution of an Advisory Council for financial education by the Central Government. Clause 9 provides for payment of adequate funds to the State Governments for carrying out the purposes of the Act. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. It is estimated that an annual recurring expenditure to the tune of rupees five hundred crore will be involved.

A non-recurring expenditure of about rupees fifty crore is also likely to be involved.

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#### MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 11 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

## BILL NO. 211 OF 2015

*A Bill to amend the Mental Health Act, 1987.*

BE it enacted by Parliament in the Sixty-sixth Year of the Republic of India as follows:—

1. (1) This Act may be called the Mental Health (Amendment) Act, 2015.

Short title,  
extent and  
commencement.

(2) It extends to the whole of India.

(3) It shall come into force on such date, as the Central Government may, by notification in the Official Gazette, appoint.

2. In the Mental Health Act, 1987, after chapter III, the following Chapter shall be inserted namely:—

Insertion of  
new chapter  
IIIA.

## "CHAPTER IIIA

## RIGHTS OF MENTALLY ILL PERSONS

Rights of  
mentally ill  
persons.

14A. Every mentally ill person shall have the right to—

(a) live in, be part of and not be segregated from the society;

(b) access to mental health care services run or funded by the appropriate Government with good quality services without discrimination of any sort;

(c) access to rehabilitation establishments and shelter homes for the mentally ill patients; and

(d) such other facilities as may be provided by the Central Government or the State Government, as the case may be.

State  
Government  
to designate a  
nodal officer  
in every  
district for  
collecting  
data of  
mentally ill  
persons and  
provide  
mental health  
services, etc.

14B. For the purposes of section 14A, every State Government shall—

(i) designate a nodal officer not below the rank of District Collector in every district to compile the details of mentally ill persons residing in that district;

(ii) authorise every nodal officer to take up the issue of social discrimination against mentally ill persons with the appropriate authorities;

(iii) integrate mental health services into general health care services at all levels of healthcare including primary, secondary and tertiary health care and in all health programmes run by the Government;

(iv) ensure that as a minimum, mental health services run or funded by the Government are available in each district;

(v) meet, if minimum health services are not available in the district where a mentally ill person resides, all costs of treatment at other such establishment in the district;

(vi) make provision of community based rehabilitation establishments and shelter homes for treating mentally ill persons; and

(vii) ensure payment of old age pension to every mentally ill person, after the age of sixty years, at such rate as the Central Authority may deem appropriate.

State  
Government  
to maintain a  
Register of  
mental  
healthcare  
establishments.

14C. (1) Every State Government shall cause to be maintained a Register of mental healthcare establishments in such form as may be prescribed.

(2) The Register maintained under sub-section (1) shall be opened for inspection by general public once in a year.

Nodal Officer  
to promote  
awareness  
about rights  
of mentally ill  
persons  
among public.

14D. The nodal officer designated under clause (1) of section 14B shall promote awareness amongst general public about the rights of mentally ill persons and safeguards available for their protection."



## STATEMENT OF OBJECTS AND REASONS

Mental disorder afflict nearly five crore of the Indian population and these persons need special care. Mentally ill persons do not have any respect in our society and are frequently secluded from the community. The Mental Health Act, 1987 could neither protect the rights of persons with mental illness nor promote their access to mental health care in the country.

Stigma and discrimination because of mental illness are still major obstacles in the path of treatment and rehabilitation of those impaired by mental illness.

Mentally ill persons in our country are one of the most vulnerable communities facing variety of issues. The joint family system has assimilated and provided care for many of the mentally ill persons in their homes but with increasing nuclear families, care to these persons demands more attention.

The present Bill aims to provide a legislative impetus to clearly outline the rights of the mentally ill persons and facilities need to be made available to them.

Hence this Bill.

NEW DELHI;  
*June 29, 2015.*

SUPRIYA SULE

## FINANCIAL MEMORANDUM

Clause 2 of the Bill provides that every State Government shall meet the cost of expenditure of treatment, establishment of rehabilitation and shelter homes, payment of old age pension of mentally ill persons. It also provides for maintaining a register of mental healthcare establishment and promoting awareness amongst general public about the rights of mentally ill persons. The expenditures relating to States shall be borne out of the Consolidated Funds of the respective State. However, the Central Government shall bear the expenditure in implementing the provisions of the Act in Union territories. The Bill, therefore, if enacted would involve expenditure from the Consolidated Fund of India. Though, at this stage, it is difficult to assess the exact expenditure, it is estimated that a sum of rupees five hundred crore would be involved as recurring expenditure per annum.

A non-recurring expenditure of about rupees one hundred crore is also likely to be involved.

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ANOOP MISHRA  
*Secretary General*